marriage on the part of the prosecutrix, nor was there any threat of imprisonment. In the first case, there was no proof of the falsity of the charge. The same remarks apply to *Hoffman* v. *Hoffman*, 6 Casey, 417, where there was not even an arrest. Mr. Justice Thompson, in his able and learned opinion, says: "Nor was there even a threatened prosecution by the respondent for the alleged wrong. The case was clear of actual or constructive force." Nor has there been, in this case, "a child born during wedlock, of which the mother was visibly pregnant at the time of marriage," as in *Page* v. *Dennison*, 5 Casey, 420, 1 Grant, 377.

Here we find:—

1. An arrest upon a false charge.
2. The assertion of innocence by the libellant.
3. The threat to imprison him upon "process sued out maliciously and without probable cause." 2 Greenleaf on Evi., s. 302.
4. The assent of the lips but not of the mind or heart to the performance of a ceremony whilst under this illegal duress.
5. The repudiation of the alleged contract by both parties from that time forth.
6. The refusal of the respondent to deny any of these matters by filing an answer, and, on the contrary, her admission under oath, as already noted.

No case can be found, in which any contract thus extorted was enforced, and every instinct of humanity clamors for its abrogation.

The language of Mr. Justice Agnew, in his clear and convincing opinion in *Cronise* v. *Cronise*, 4 P. F. Smith, 264, has peculiar application to these facts. He says: "The three procuring causes, to wit, fraud, force and coercion, are linked together in the same clause, equally qualify the same thing, to wit, an alleged marriage, and have a like operation as causes of dissolution. Force and coercion procure not a lawful marriage, but one only alleged, where the mental assent of the injured party is wanting. Fraud has a like effect; it procures, not a marriage fully assented to by both of the parties and duly solemnized, but one where the unqualified assent of the injured party is wanting, and where the very act of marriage itself is tainted by the fraud."

Decree for libellant.

GENERAL CORRESPONDENCE.

Remarks on the new Division Court Rules.

To the Editors of the Law Journal.

Gentlemen,—Allow me to offer, through your columns, a few remarks on the "new rules" just come in force from the "Board of County Judges." I find upon examining them many valuable and much needed amendments and additions to the old rules, and doubts as to the construction and meaning of many of the sections of the Division Court Act heretofore left in uncertainty, or decided in different ways by different judges in Division Courts, are cleared up. The new forms by these rules are, although altered from the old ones (thus, of course, giving clerks considerable extra trouble), much better, more *court like*, and simpler than the old ones. The Division Courts, by the rules and forms (although these are so voluminous) as to practice and efficiency are more respectable and responsible to the public. It is evident that much thought, skill and learning have been brought to bear in the compilation of the new rules. The rules from 93 to 100 inclusive, were loudly called for by the public, and "the Board of Judges" deserve the thanks of suitors everywhere for them.

The rules allowing the renewal of *warrants of commitment* are very judicious, but it is a pity that they had not allowed (as indeed is the case in England in County Courts) warrants to be countersigned by judges, or even by clerks of other counties, when the debtor may have moved from his own county into another during the currency of the warrant. It is a pity too that the judges had not allowed *clerks fees* for filing papers on Chamber applications and new trials. The business would have been done more orderly and carefully then. And the applicant for a new trial should have been made to pay for all affidavits used to oppose his application if unsuccessful, or if new trial should be granted for his benefit.

I cannot see the necessity in these rules of increasing witness fees to 75 cents a day, leaving *poor jurors* with only 10 cents a day. The garnishee rules are also very good, and I observe that clerks are now given forms, as to procedure, when under the Common Law Procedure Act, they are obliged to carry out the orders of County Court or Superior Court Judges.

The contested point as to the validity of a Division Court judgment over six years old, is set at rest, and the manner of its revival is fixed by rules 156 and 157. The rule 160, as to framing transcripts to the County Courts, is well timed. So is the rule 125 as to parties leaving their place of residence or address with the clerk. The rules as to infants (126) and as to the statute of limitations (127) are admirable, and meet the wants felt in thousands of cases, and assimilate the practice of these courts somewhat with the Superior Courts. Sub-section "F." of rule 142 is very good. If it was within the power of the judges, it is a pity they had not made it clear that a judge