

We have conversed with many educated persons, laymen and lawyers, on this subject: all regretted that the mode of administering justice, and that the position of its ministers could not be placed on the same footing as in England; but "difficulties in accomplishing it from their peculiar institutions" were said to stand in the way—the equality of citizenship would be disturbed, if the claims of the office were fully recognized.

Yet it is not the person of the Judge, nor even of the "Sovereign People" in the Judge, that is only disrespected: it is Justice herself that is treated with unclean familiarity.

It is not with a desire to disparage the administration of the Law elsewhere that we notice this subject; but may we not find in it a warning against laxity in the manner and order of administration in some of our own Courts? We have no apprehension respecting the Superior, nor indeed for our Inferior Courts, but the tendency in Inferior Tribunals is, for obvious reasons, downwards; and it requires all the vigilance of the Judges to maintain the *status* of our Division Courts, to follow out the good commencement made; there is no reason why these Courts should not exhibit the same decorum, the same decent formalities, or nearly so, as in the Superior Courts.

The dignity of Justice is not to be measured by the money value of the subject matter it is brought to bear upon. Let the Judges continue to respect themselves, and the public will remember "the respect to be had to their persons and office." Let them bear in mind that, however small their own emoluments—however rude their Court accommodations—however trifling the matter in dispute before them may be, that such labours, though humble, are not mean, for the principle of Justice stamps them with honour.

COMMITMENT UPON JUDGMENT SUMMONS.

(D. C. Act of 1850, secs. 91 & 92.)

Review of English Decisions bearing on.

(Continued from page 216.)

Re O'Neil, 1 C. C. C. 484, 1 L. M. & P. 737 (23rd Nov. 1850).—In this case it was held *not* necessary that the Warrant of Commitment of a dft. in default of payment of a debt recovered in the County Court, should be issued immediately after the date of the Judge's order for imprisonment.

Where the order of commitment in default was made on the 15th April, but the warrant for arrest and imprisonment was not issued till the 9th of October following.

Held, that in the absence of any rule of practice limiting the period within which a warrant must issue, such lapse of time was not a sufficient ground for the discharge of a defaulting defendant who had been so arrested and imprisoned.

Under the *Division Court Act* the warrant is in force for three months only from date of order, the 55th Rule of Practice providing that warrants for commitment, whenever issued, shall bear date on the day on which the order for commitment was entered in the Procedure Book (i.e. the day on which order made), and shall continue in force for three calendar months from such date, *and no longer*.

In respect to successive commitments for non-payment of the same sum, there is an important case—*Re Boyce*, 21 L. T. 181; 22 L. J. Q. B. 393. The proceeding was under the 9 & 10 Vic. c. 95, ss 99 and 103, and it was held that the Judge of a County Court has power to commit a defendant who is summoned for non-payment of money pursuant to a Judgment of that Court, as soon as a new default is made, and therefore where a Judgment debtor has been once committed for seven days for non-payment, he may, at the expiration of that imprisonment, be again committed, if, having the means of paying he still refuses to pay, upon which the decision of the County Court is conclusive.

(TO BE CONTINUED.)

THE COUNTY COURTS.

It is rumoured that the County Courts Practice is to undergo a thorough change, and that a Bill has been actually drawn to effect that purpose. Organic changes in the mode of Trial and other particulars similar to the provisions of the English Common Law Procedure Act, as well as an enlargement of the subject matter of Jurisdiction, are also spoken of.

We admit the necessity for some improvement. The practice may be simplified very much, and some of the services now required may advantageously be dispensed with, but we hope that there is no intention of doing away with the formal Pleadings.

The measure, we trust, will be properly digested before it is given to the Legislature; and it is to be hoped that those most familiar with the subject will be consulted. Until, however, the measure is before the public it would be useless to indulge in conjecture or anticipatory remark, but our columns are open to those who wish to point out existing defects in the Law and Practice of the County Courts, if well considered suggestions for improvement are at the same time submitted.