

Assuming that, aside from his official position, the Inspector was a proper person to be a committee, it was not advisable to appoint him to a position which might, later on, conflict with the discharge of his official duties. Putting it more broadly, it is important to keep the officers of the Court distinct from the officials of the Government, and that these officials should as far as possible be restricted to the exercise of the duties imposed by the Legislature. This part of the application should be refused.

Upon bringing in and passing his accounts, the Inspector would be entitled to tax and be allowed his costs of this application; and, upon payment of the amount found to be in his hands, less his taxed costs, into Court to the credit of Annie Hillam, an order should issue discharging him from his trust.

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MIDDLETON, J., IN CHAMBERS.

JANUARY 14TH, 1916.

\*RE HARTY v. GRATAN.

*Division Courts—Jurisdiction—Ascertainment of Amount over \$100—Cheque—Loan—Division Courts Act, R.S.O. 1914 ch. 63, sec. 62(d).*

Motion by the defendant for prohibition to a Division Court.

Harcourt Ferguson, for the defendant.

C. M. Garvey, for the plaintiff.

MIDDLETON, J., said that the claim exceeded \$100, and the Court had no jurisdiction unless the claim was ascertained as a debt by a document signed by the defendant, and the plaintiff's case was proved without other evidence than the proof of the signature: *Division Courts Act, R.S.O. 1914 ch. 63, sec. 62(d)*; *Slater v. Laberee (1905), 9 O.L.R. 545*; *Renaud v. Thibert (1912), 27 O.L.R. 57*.

The plaintiff's claim was upon a cheque for \$150, drawn by him, payable to the defendant. The cheque was endorsed, and, if the stamps on it might be regarded, as to which the learned Judge had much doubt, the cheque was cashed by the defendant. This, it was said, proved the loan, and called upon the defen-