

the case of *Kreutziger v. Brox*, 32 Ont. R. 418 ; *Knisey v. Roche*, 8 P.R. 515, which is the view also adopted by the Court of Appeal in *McDermid v. McDermid*, 15 App. R. 287. If I were to enter a suit for you in the Division Court the defendant would apply to any one of the judges of the Chancery Division who would probably grant a prohibition against proceeding with the suit in that court. On the other hand if you brought a suit in the County Court you could only obtain Division Court costs, and besides you would have to pay the defendant's extra costs on the County Court scale. And if the County Court judge were to give you County Court costs the defendant would only have to appeal to the High Court of Justice and get his appeal heard before the King's Bench Division judges and they would reverse the decision : *McCormick Harvesting Machine Co. v. Warnica*, 3 O.L.R. 427. In short one part of the High Court of Justice says the law is one way and the other part of it says it is the other way. You may therefore be said to be 'between the devil and the deep sea.' Whichever course you may take one part of the High Court will be sure to tell you you are wrong and make you pay a lot of costs as a penalty."

The bewildered client may also be told something further : "It is true the Judicature Act, s. 81, was intended to prevent this judicial conflict of opinion in the same Court, but where one branch of the Court has laid down the law in one way, it is obviously more important that their particular opinion should be reiterated rather than that the question should be referred, as the statute contemplates, to a higher tribunal. It is somewhat like the case of the lady who determined to have the last word, and who, as she sank beneath the waves, still held up her hand and worked her fingers to indicate by dumb show the word 'scissors.' This condition of things is, you will readily see, very edifying and instructive to the public, and gives a high opinion of law and judges. It is, however, costly, and on the whole I would advise you to present the defendant with the amount of his indebtedness rather than attempt to recover it by process of law."

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The Australian correspondent of The English *Law Times* announces that the days of chivalry are over in that Commonwealth. This he concludes from the fact that a young gentleman