Court of Common Pleas. Fourth Division: The Judges of the Court of Exchequer.

Business of the Court.

To be distributed according to the divisions: Crown business in the First Division (Queen's Bench); admiralty, bankruptcy, and business for which the Court of Chancery is the only available machinery, and such cases as separate themselves from ordinary actions, Second Division; Common Pleas business in the Third Division (Common Pleas); and revenue business in the Fourth Division (Exchequer).

To be a court of appeal from the inferior courts.

To have power to transfer causes from any one division to any other.

Sittings of the Court.

Single judges will sit in matters hitherto disposed of by single judges, and there will be a plurality of judges in other cases, not to exceed three.

Official referees to be attached to the divisions to act as arbitrators in cases unfit to be tried by jury; references to be compulsory as to questions of fact.

Continued sittings in London to be provided for.

Abolitions.

The Courts of Common Pleas of Lancaster and Durham.

The division of the legal year into terms.

New Procedure.

Formal proceedings to be taken in the local registries in the country.

Rules

To be framed as a schedule, but to be open to modification or alteration by the judges.

ATTACHMENT OF DEBTS—DIVISION COURT JURISDICTION.

The Act of 1869, to amend the Acts respecting Division Courts, gave new and extensive jurisdiction to these courts, and, as might be expected, important questions were raised on nearly all its clauses. Very shortly after the Act came into operation a question of very general interest arose as to the power of the courts to try and determine claims against garnishees where the indebtedness to the primary debtor exceeded in amount the general jurisdiction of the Division Courts. Several of the judges held that the power existed—amongst them, if our memory serves us, the judges of Wellington, Elgin, Brant and Simcoe—but no case fairly on the point has been decided by the courts above. It has always seemed to us that the Division Courts must of necessity have jurisdiction in such cases, otherwise the garnishee clauses in the Statute would to a great extent be valueless, and the language in the clauses and the forms support this view.

The point referred to has been recently very carefully considered by the judge of Wentworth, and we have obtained the judgment which Judge Logie delivered in the first Division Court in *Sandercock v. Reid—McCarthy* garnishee. The debt due by the garnishee to the primary debtor was upon a contract for building a house—contract price being $460 and extras $78—the amount due by garnishee was insufficient to pay all in full. Several questions arose at the trial, but we shall only refer to the material ones. It was contended for the garnishee that the subject matter of the debt was beyond the amount which the court had jurisdiction to deal with; 2nd. Questions as to priority amongst the primary creditors came up—priority being claimed by one who had obtained a judge's order after judgment over another creditor who was first in time, but preceeded by the attaching summons against debtor and garnishee. We extract the following from the judgment of the learned judge.

It is provided by section 5 of the Division Courts Act of 1869 (32 Vict., ch. 23) that when any debt or money demand of the proper competence of the Division Court, and not being a claim strictly for damages, is due from any party to any other party, either on a judgment or otherwise, and any debt is due and owing to the debtor from any other party, it shall be lawful for the party to whom such first mentioned debt or money demand is so due and owing, to attach and recover in the manner therein provided, any debt due and owing to his