

a bedstead, &c.), especially when it is proven that he has expended over \$600 worth of his own property within that time. The difficulty is to say which are his and which belong to the estate of Teal. The case of *Hastington v. Gilt*, 3 Doug. 415 (26 E. C. L. R. 171), shews that when, after marriage, the wife, with the profits of her trade (carried on independently of her husband), purchased cows with the proceeds of stock under a settlement, that the settlement is good against the creditors of the husband, and that the cows purchased after the marriage were protected by the settlement. *Dean v. Brown*, 2 Car. & P. 62 (12 E. C. L. R. 30) shews that where a *feme covert* was carrying on a trade, and before marriage conveyed her stock-in-trade, furniture, and other articles belonging to her, in and about her premises, to a trustee, for her separate use, and then married, that the property was not subject to execution for the debts of her husband, though some of the articles had been disposed of and others purchased for her use in their stead.

I therefore think I cannot do justice between these parties unless they specifically shew me what particular articles belong to the estate and what not; such as are not traceable as belonging to the estate, i. e., such as cannot be proved to belong to, or to have been purchased or acquired with the moneys or moneys' worth of the estate of Teal, I shall hold to belong to the judgment debtor. I therefore remit the case for further evidence to next sittings.

GENERAL CORRESPONDENCE.

Issue of Process and Transaction of Business out of Office Hours—Regularity thereof.

TO THE EDITORS OF THE UPPER CANADA LAW JOURNAL.

GUELPH, September 30th, 1864.

GENTLEMEN,—Having frequently heard the question asked, "Can a Clerk of the County Court or Deputy Clerk of the Crown transact business before and after the hours mentioned in the rules, and on holidays?" I would deem it a favour if you would make some comment on the subject through the *Law Journal*. Upon inquiry I find that a number of Clerks and Deputy Clerks differ on this point: some say that it is optional with them to transact business out of the hours which the law says their offices shall be open. It is a great convenience to the profession generally to transact business of ~~two~~ kinds out of office hours: for instance, to issue writs of summons, &c.; but still it is found to be a source of great inconvenience if some other kinds are transacted, for the simple reason that you may never know when you should be at the Clerk's office to be in time to protect yourself.

Supposing that you desire to enter an appearance, and you know that the Clerk frequently if not daily transacts business before and after office hours: in order to run as little risk as possible, you would be obliged, perhaps, to be on the move at a very uncomfortable time in the morning, and then perhaps find that the opposite party had been before you and hurried the Clerk to his office and had judgment signed by the time you arrived to enter appearance. And if you suppose the office to open at ten in the morning and not before, you would be a long while behind time. This, of course, is an extreme view of the matter, but it is such as may occur at any time, especially if there is any ill feeling to gratify or advantage to be had. At all events, it shews plainly that there is something wanting to make the practice more definite and relia-

ble. There are arguments on both sides of the question, and as a remedy I suggest that it should be made a rule that judgments of any kind should not be entered nor any business done with the public, at which the opposite party as of right should be present, except between the hours stated in the present rules, and not before or after.

If you could throw any light on the above question, you would, no doubt, be conferring a great favour on all concerned, as well as to your correspondent.

A LAW STUDENT.

[The appointment of office hours during which offices connected with the administration of justice must be kept open for the dispatch of business, is held to be a mere regulation for the convenience of suitors, that is, that suitors may know with certainty during what hours they will find the offices open; but it is nowhere held that an officer of the Courts is not competent to act before or after office hours, as he has always been held competent on those holidays when he is not bound at all to attend his office. No doubt it might sometimes lead to unfortunate consequences if judgments could as a rule be entered or process of execution obtained out of the regular office hours; but much is left to the good sense and integrity of the officer himself. The subject will be found discussed in *Rolker et al. v. Fuller*, 10 U. C. Q. B., 477, to which we, in conclusion, refer our correspondent.—Eds. L. J.]

Conveyancers—Notaries Public—Commissioners—Attorneys and Solicitors.

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—The business of country practitioners is materially cut up by persons who, under the various titles of Notaries Public, Conveyancers, and Commissioners, monopolize the whole of the Conveyancing, and do so under the shadow of the authority, given by the instrument appointing them notaries public. This document seems to give the right to "draw deeds," and one of these notaries publishes the whole as an advertisement of his right to the title of conveyancer, he having no other legal status whatever.

Would you have the goodness (if possible, in your next issue) to say:

1. Whether any person, merely a notary public, conveyancer, or commissioner, has any legal position, and whether the possession of a notary's certificate, implies any legal qualification, derived from proper education, and examination as to fitness?

2. Whether there is any title other than attorney or solicitor, which guarantees the possessor to be properly educated for the business of a conveyancer?

3. Is a notary public, conveyancer, or commissioner, liable at law for any error he may commit in the drawing of deeds, and is not an attorney or solicitor so liable?

4. Do notaries public, conveyancers, and commissioners, pay any certificate duty—and have not attorneys and solicitors to pay a duty to enable them to practice?

By answering these questions, you would much oblige
26th Sept., 1864.

AN ATTORNEY.