

## THE SUPREME COURT.

and solicitors are. And finally, section 6 clinches the matter by providing that no person or persons, excepting duly admitted barristers or attorneys, or persons appointed as hereinbefore provided, shall, for reward, hire or recompense, draw, pass or issue any conveyance, deed, indenture, contract, agreement, charter party or other mercantile documents, and any person violating this section shall be guilty of an offence under this Act, and be liable, on conviction thereof before any Justice of the Peace, to a fine not exceeding twenty dollars for each offence."

A somewhat similar enactment is in force at Victoria, in Australia. A correspondent there gives us a copy of it:—"Every person who shall for or in expectation of any fee, gain or reward directly or indirectly draw or prepare any conveyance or other deed or instrument in writing relating to any real estate or any proceedings in law or equity (other than and except barristers or attorneys and solicitors of the Supreme Court, or certificated conveyancers as hereinafter mentioned; and other than and except persons solely employed to engross any deed instrument or other proceeding not drawn or prepared by themselves and for their own account respectively; and other than and except public officers drawing or preparing official instruments applicable to their respective offices and in the course of their duty), shall be deemed guilty of a contempt of the Supreme Court and shall and may be punished accordingly for every such offence, upon the application of any person complaining thereof; or shall for every such offence forfeit and pay the sum of twenty pounds, to be sued for and recovered in a summary way before any two or more justices of the peace, &c." Our correspondent says that the provision is only partially successful as it is extremely difficult to trace cases to absolute proof, and a few of the lowest class of attorney are in the habit of lending their names to land agents and other middlemen, and so enable them to defy

the provisions of the statute. The practice is kept alive by the public who very much encourage the preparation of transfers without the intervention of an attorney, as the illegitimate is cheaper than the legitimate practice and the great risk that is run is not apparent to uneducated man. The method of conveying land in use in Australia by means of a simple transfer consisting of a few printed lines which is registered, and immediately operates as a conveyance, of course encourages the practice of unlicensed conveyancing. However, as we have heretofore pointed out, these invaders are occasionally "brought up with a round turn," by the Australian Courts. There is in Manitoba and in Australia some semblance at least of fair dealing and justice to those who spend their time and money in acquiring a profession.

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The third number of Vol. 5 of the reports of this Court have recently come to hand, containing the judgment in five cases. None of them can be said to be of very general interest to the Ontario Bar; some facts nevertheless, and conclusions worth noticing are deducible from the pages before us.

The latest judgments reported therein are those of *Gallagher v. Taylor* and *Jonas v. Gilbert*, delivered on February 11th., 1881. Two others were delivered in February and March, 1880, and another on January 12th, 1879. In two cases judgment was not delivered for upwards of six months, and in three others for nearly four months after the argument. In two of the cases it appears that the senior puisne judge took part in the judgment, but it is merely noted that he read a written judgment stating his reasons for his conclusion.

In the second number of this same volume published some time ago the state of things is very much the same, as regards delay in giving judgment after argument and in the publica-