

Attention was called to the incongruity between the present form of Probate, which refers only to personal estate, and the "Devolution of Estates Act," but no action was taken.

It was suggested that the practice relating to guardianship applications should be more clearly defined, and that a form of affidavit should be prepared setting forth the facts in the petition, such as date of death, names, ages and places of residence of infants, value of property, etc.

In reference to the preparation of papers by the Surrogate Clerk above referred to, an opinion was advanced that the item of \$1.00 for "preparing" the papers did not necessarily involve the "drawing up" the necessary papers leading to Grant, for the Registrar is entitled to the same fee even when the papers are drawn up and presented by solicitors; but that it was meant to cover a fee for examining the proofs, preliminary to their being laid before the Surrogate Judge.

A question was asked relative to Division Court procedure, as to whether a Judge of the Division Court, in a jury case, under section 146, or the Court of Appeal, under section 152 of the Division Courts Act, can enter a verdict or judgment in direct opposition to the finding of a jury on a material issue. The Judges were of opinion that the right to the verdict, as pronounced by a jury in the Division Court, is an absolute one, and no party can be deprived of the benefit of the finding. (*Lewis v. Ord*, 17 O.R., 610.) The sections might apply if special findings were left to a jury, and an erroneous judgment entered upon such findings.

Notes on Exchanges and Legal Scrap Book.

MIXED COURTS.—Dissatisfaction is felt at present in England at the delay involved in the trial of commercial causes in the ordinary courts, and with the difficulties besetting the trial of actions for the satisfactory decision of which any special mercantile knowledge is required. It has been suggested that a way out of the difficulty would be found in the establishment of courts similar in some respects to the tribunals of commerce which have worked so satisfactorily in countries on the continent of Europe. In line with this suggestion a bill has been introduced into the House of Commons for the establishment of district courts, each composed of a county court judge, and two merchant judges, and local courts composed of merchant judges, with a registrar as legal assessor. The bill provides for no appeal other than to a tribunal for that purpose stationed at London. The idea is to make the procedure of the proposed courts as simple as possible, and to avoid the delays which hedge about proceedings in the ordinary courts, as well as to provide a class of judges specially acquainted with mercantile questions. What the prospects are for the enactment of this legislation has not yet been made apparent.—*Bradstreet's*.