

The Local Courts'

AND

MUNICIPAL GAZETTE.

OCTOBER, 1869.

DEATH OF THE CHANCELLOR.

It is with feelings of deep regret that we record the death of Philip Michael Matthew Scott Van Koughnet, Chancellor of Ontario, at the early age of 47. He died rather suddenly on Sunday, the 7th November. We shall hereafter give further particulars of his career.

DIVISION COURT RULES.

The rules prepared by the Board of County Judges, with which our readers are more or less familiar, have proved a great assistance in working the different acts now regulating the Division Court law of Ontario. It is quite possible that in some minor matters it may hereafter be found advisable to make some slight additions to or alterations in them, complete and full though they are, being one hundred and sixty-six in number.

The only addition which has so far been found necessary, is made by a supplementary rule, promulgated by the Board on 23rd September last, respecting the Fee Fund Accounts and the cancellation of stamps by clerks, a copy of which will be found below.

The Rule is declaratory, and only provides a more effective means of carrying out all over Ontario that which has all along been the practice in several counties. It is understood that the subject was specially suggested for consideration to the Board by the Attorney-General, whose sharp eyes (we must do the Hon. John Sandfield Macdonald the justice to say) are quick to discover where any leakage in respect to the public revenue is going on, or is likely to occur.

We should say that if there be any fraudulent practice now in respect to the use and cancellation of necessary stamps in proceedings in the Division Courts, the judge cannot be held free of blame, for his hands are, by the Rule, adequately strengthened for an effective audit, and, with proper care and attention on his part fraud or mistake is all but impossible.

We understand that Mr. O'Brien has prepared for publication, in such a shape that

it can readily be bound up with his Division Court book and his recently published edition of the Amending Act, a reprint of the late rules, with marginal references, together with an index covering all the matter contained in the Amending Act and the new rules.

Owing to the necessity of speed in the publication, several errors have crept into the rules as published by the Queen's Printers; nor were any marginal notes given to them such as are to be found to the old rules. These deficiencies it is intended to supply. The whole of the Division Court law and practice, up to the present time, will thus be again brought within the covers of one book, and be of easy reference to all.

The rule we have referred to is as follows:—
"Supplementary Rule respecting the Fee Fund Accounts and the cancellation of Stamps by Clerks of Division Courts.

"We, the undersigned, 'the Board of County Judges,' acting under and in pursuance of the powers vested in us by law, as recited and set forth in the General Rules for regulating the practice of the Division Courts in Ontario, dated the first day of July, 1869, have framed the following supplementary general Rule and Order, to be in force until otherwise ordered, and we do hereby certify the same to the Honorable the Chief Justice of Upper Canada accordingly:—

"Rule 167.—The system of paying Court fees by the use of stamps having superseded the necessity for Clerks of Division Courts keeping an account of such fees in a book as prescribed by the 36th Section of the Act, but not the necessity of submitting the proceedings on which Court fees are due to the Judge, or of his examining the proceedings of the Court, and comparing them with the stamps used and cancelled; in order, therefore, to facilitate the examination by the Judge to ascertain that proper stamps have been affixed for all fees payable to the fee fund in respect to proceedings in the said Courts, and in order to detect errors and omissions, and to prevent frauds, it is hereby ordered:—

"(a) That the 'Judge's list' at every sittings of the Court shall include therein all the causes (in the order in which the suits are entered) that have been commenced by ordinary or special summons, or otherwise, since the last sittings of the Court, and also all adjourned cases remaining undisposed of, and shall distinguish in such list the causes in which a defendant, or one or more defendants, have not been served; those withdrawn, paid, settled, confessed; those in which judgments have been entered by the clerk, and those which remain to be disposed of by the Judge.