

pass an examination in the rudiments of that branch of the law, and show some practical acquaintance with the subject, which would entitle him to a license, without any fee whatever. Then only licensed persons should be allowed to draw deeds or instruments for fee or reward

This would have the effect of weeding out ignorant pretenders, and giving a certain status to competent men. In thus suggesting, we look more to the interests of the public than the attorneys; for no inconsiderable share of their present business springs out of the blunders of stupid, ignorant persons, who are no better able to draw a conveyance than a blacksmith to make a watch: men barely able to read and write, who are too lazy to work or to learn any thing beyond the act of "puffing" themselves and obtaining money on false pretences from inconsiderate persons.

PROBATE AND ADMINISTRATION.

DIVISION COURT CLERKS.

(Continued from p. 61.)

Let us next suppose the case of a party dying intestate (without having left any will), leaving say a wife and two children surviving him. The widow being desirous of obtaining letters of administration to his estate, seeks the assistance of a Division Court Clerk.

The information to be set down in this case will be in part the same as in case of Probate under the letters A, B, C, D, and E; the further information required may in general be comprised under the following heads.

- 1st. Names of Children..... { *Mary, age ten years.*  
*John, age eight years.*
- 2nd. Names, residence and additions of proposed sureties in administration bond..... { *John Doe, of the township of —, yeoman.*  
*James Doe, of the same place, yeoman (or as the case may be).*
- 3rd. Name, residence and additions of party applying for administration ... { *Mary Doe, of the township of —, widow.*

If any other person than the widow applies for administration, it will be necessary to show what relatives the deceased left; and, if children, to state their age.

As a general rule, the next of kin will be entitled to administer, unless the deceased left a widow, and sufficient information should be given to show in what degree the party applying is related to the deceased; and if there are any others related in the same degree, in a word to show that the party applying is best entitled to administration.

The sureties in the bond will be required to justify by affidavit, that is, swear they are worth a certain sum over and above their debts. This amount will vary according to the value of the property devolving, and the nature of the case. For instance, if the property deceased died possessed of or entitled to was \$400, the sureties would each, as a general rule, be required to swear they are worth

\$800; but if a portion of the property left goes to the party applying for administration, it would be in the power of the Judge to reduce the amount of security. And in all ordinary cases where the value of the property is under \$200, one surety will be sufficient. So that before giving in the name of a party as a surety, the clerk should enquire whether he is able to justify in the necessary amount; and if desired that the amount of the bond should be reduced, a note thereof can be made by the Clerk, that the Registrar may take the Judge's order thereupon.

The information thus obtained is forwarded to the Registrar by letter, prepaid, with a sum towards the fees, as in the case of application for Probate; and although there will be no original papers sent, the letter ought to be registered, so that in case of question the communication may be traced.

TRADE PROTECTION SOCIETIES.

In other columns will be found a report of the case *In re The Canada Trade Protection Society*, which will, we are sure, be read with interest.

Hitherto some persons have entertained a doubt how far the records of a Court of Record are public, so as to be open to inspection by persons not having a direct pecuniary interest in a particular suit, but the opinion pronounced by the Court of Queen's Bench sets at rest all such doubts.

The Records of the Court, which are preserved in a public office at the public expense, under the charge of a public officer, are so far public that any one of the public who chooses to tender the usual fees may obtain a knowledge of them.

Of course the right to make any such search is subject to the routine of the office, over which the Clerk is to exercise a discretionary power—a power which we are told has been invariably exercised towards the Canada Trade Protection Society in a reasonable manner.

A Trade Protection Society has no greater right than an individual, but no individual representing it is to have a less right than if acting for himself. The records are public; and so far as the object of a Society is to make them more public by the propagation of truth, it may be fairly argued that the Society aids rather than thwarts the object of the law. The aim of such a Society is good, and as it eschews espionage, the means are honorable. With a good end to be attained by honorable means, there is a claim to public support—a claim to which a cordial response has, we are informed, been made by Deputy Clerks of the Crown, Clerks of County Courts, and others in authority. The Clerk of the Crown and Pleas of the Queen's Bench, struck by the novelty of the Society, declined to comply with the request made of him until