

from the Profession, we can make the *Law Journal* acceptable to all—Lawyers and Laymen.

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#### PROCEEDINGS IN THE INSOLVENT COURT.

In the August number "P. M." asks certain questions in relation to the Insolvent Debtors Extension Act of last Session:—1st. In what office or Court the petition is to be filed—what Clerk is to register the proceedings? 2nd. Has not the County Judge the power to appoint a Clerk, whomsoever he pleases? 3rd. What are the costs and disbursements to be paid and received? 4th. If there be no assets belonging to the estate of the petitioner, by whom are they to be borne and paid? 5th. In proceedings under this Act, in a new county, what orders and rules are to govern the proceedings where the County Judge has passed none? 6th. Do fees "to the Judge" go to the Fee Fund?

We have not had time to examine the question ourselves, but subjoin answers from a well informed quarter, which, in the hasty examination we have been able to give the subject, appear to us to be correct.

1st. In "the Insolvent Court for the County," and the Clerk thereof is to register the proceedings.

2nd. The appointment, doubtless, would rest with the Judge, but it would be obviously proper to appoint the Clerk of the County Court—whose office must be kept regularly opened, and who is already under bonds to the Crown for the due collection and accounting for the fees belonging to the Fee Fund—and this has been generally acted on.

3rd. The costs are regulated by order of the Court of Queen's Bench. The table of costs was published in the last number of the *Law Journal*.

4th. A party who has no assets seems scarcely to come within the meaning of the Act; but there need be no difficulty as to fees, as the must be paid on or before each proceeding.

5th. In May 1856 the Judges of certain Counties agreed in submitting certain Rules which were approved of by the then Vice-Chancellor. In a new county the Judge should, for uniformity's

sake, obtain the approval of similar Rules for his own County; (a set of Revised Rules for general adoption would be advisable.) In the absence of Rules the Judge must of course be governed by the general principles of law, as applicable to the Insolvent Courts.

6th. Fees mentioned under the 1st head in the Rule, (of Q.B.) Hil. Term, 9th Vic., when the duty is performed by a County Judge, belong to the Fee Fund, and must be accounted for in like manner as other fees: whatever doubt may have existed before is set at rest by the 21st sec. of the County Courts Act.

#### CHAMBER REPORTS.

We have been obliged to postpone editorial matter to make room for the recent important decisions on the C. L. P. Act. Once for all, we would say to ordinary correspondents that communications on editorial matters must be addressed to "The Editors of the Law Journal," and not to any gentleman connected or supposed to be connected with the *Journal*. This rule must be observed to secure attention to communications. Business communications as heretofore should be addressed to the publishers.

#### THE ANSWER TO "WHO IS THE IRNERIUS?"

(Received too late for insertion in the Sept. No.)

We willingly give a conspicuous place to the following letter, and leave it to speak for itself.—The Law Clerk, it is just possible, felt a little nettled by V.'s badinage, and touched fairly enough the same chord, but it has not prevented him giving all the information desired. The pith of the article of the article referred to is in these words: "But seriously, we think such notes objectionable, an innovation on settled forms, &c.; we think some explanation is due to the profession and the public." The Law Clerk candidly enough says, "not finding precedent I made one, and sacrificed routine for the public good." He has evidently not graduated in the "Circumlocution Office," and nearly thirty years in the public service has certainly not induced any lethargy of action in the conduct of the Department, over which he has so ably presided for, we believe, nearly sixteen years.

As suggested in the former article, the Law Clerk has shown that the added matter "was intended to