

## ATTORNEYS AS ADVOCATES—APPOINTMENT OF OFFICIAL ASSIGNEES.

## DIARY FOR OCTOBER.

1. Mon... County Court and Surrogate Court Term begins.  
 6. Satur... County Court and Surrogate Court Term ends.  
 7. SUN... 10th Sunday after Trinity.  
 8. Mon... York and Peel Fall Assizes.  
 14. SUN... 20th Sunday after Trinity.  
 18. Thurs.. St. Luke.  
 21. SUN... 21st Sunday after Trinity.  
 28. SUN... 22nd Sunday after Trinity. St. Simon and St. Jude.  
 31. Wed... All Fallow Eve.

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## ATTORNEYS AS ADVOCATES.

It is said that some of the attorneys residing in a county town in the eastern section of Upper Canada, are in the habit of appearing at the County Court sittings there, exercising the functions of barristers, and wearing their distinctive dress. It is also said that the county judge, upon his attention being drawn to the matter, stated that he was not supposed to know who were barristers, and that he took it for granted that gentlemen of the profession would not venture to do that which they were not authorized to do.

We might also take this for granted, if the fact of their so appearing were not to the contrary; and if this be so, it becomes a question whether such a course is authorized; and if not, whether the practice ought to be continued.

We think there can be but little question that attorneys have no right to practise at the bar in county courts, any more than they have in the superior courts; and if they have no such right, it follows, we think, that the judge is bound to take notice of the irregularity. The words of the act are, to our minds, convincing: "The following persons, and no other, may be admitted to practise at the bar in Her Majesty's courts of law and equity in Upper Canada." (Con. Stat. U.C., cap. 84, s. 1.) Those who wish to go more fully into the subject may with much benefit examine the very able judgment of his Honor Judge Gowan, in a case of *Regina v. Erridge* (3 U. C. L. J. 32).

A large portion of the litigation of the country is conducted in the county courts throughout Upper Canada; and if the privileges which barristers have won for themselves, by an amount of study and an outlay of money not

required from attorneys, are to be encroached upon by others, the sooner they know about it the better. It is not a question whether some of them entertain an opinion that they should be permitted so to practise, nor whether some of them would or would not venture to do that which they are not authorized to do, nor even whether some attorneys are not as fully competent to act as advocates as some barristers; but it is a question of right, which, when once determined, should be rigidly and impartially enforced.

So far as we know, the county referred to is the only one in Upper Canada where such a practice is permitted, or perhaps it would be more correct to say, not interdicted.

## APPOINTMENT OF OFFICIAL ASSIGNEES.

An important decision has lately been given on this subject which it is advisable to make known to those interested as soon as possible. It came up in Chambers in a case of *Hingston v. Campbell* before the Chief Justice of Upper Canada.

Under the Act of 1864 it was necessary that the official assignee to be appointed under a voluntary assignment should be "resident within the district or county within which the insolvent has his place of business." In 1865 an Act to amend the first Act was passed, which by its second section enacts, that "a voluntary assignment may be made to any official assignee appointed under the Act without the performance of any of the formalities or the publication of any of the notices required by sections one, two, three and four of section two of said Act." Now it was thought by most persons that the words "*any official assignee*" enabled an assignment to be made to any assignee no matter in what county he might reside, and numerous assignments were made on this impression.

There are doubtless many good reasons why the Act should bear this wide interpretation, and as is usual in most cases, many against it; but the learned Chief Justice in the case referred to has decided against this view, not being, as he stated, able to satisfy himself that an assignment could be made to the official assignee of another county than that in which the insolvent resided and carried on his business.