

DIARY FOR JUNE.

1. Thur. Open Day.
2. Frid. New Trial Day, Q. B. Open Day, C. P.
3. Sat. Easter Term ends Open Day.
4. SUN. *Trinity Sunday.*
6. Tues. Last day for notice on trial for County Court.
11. SUN. *1st Sunday after Trinity. St. Barnabas.*
13. Tues. General Session and County Court Sittings.
14. Wed. Last day for Court of Revision finally to revise Assessment Roll.
18. SUN. *2nd Sunday after Trinity.*
20. Tues. Accession of Queen Victoria, 1837.
24. Sat. *St. John the Baptist.*
25. SUN. *3rd Sunday after Trinity.*
26. Mon. Last day to declare for County Court, York.

The Local Courts'

AND

MUNICIPAL GAZETTE.

JUNE, 1871.

AGENTS IN DIVISION COURTS.

The question as to whether persons not belonging to the legal profession are entitled to have audience in prosecuting or defending suits for clients in Division Courts has, at length, been adjudicated upon by the Court of Queen's Bench, as will be seen by the report of the case *In re Judge of the County of York*, in other columns.

It is more than doubtful whether the application, which was for a prohibition, was in form sufficient, but the Court very properly decided to go at once to the real point at issue, and to settle which the rule was asked for.

The result has been to deprive all sorts of unprofessional agents of the right they claimed, and in most Counties successfully, of representing before the County Judges those who might entrust their business to them.

A suggestion is thrown out by Mr. Justice Wilson, that in cases where professional assistance cannot be obtained, and where injustice might otherwise arise (for example, if a suitor were incompetent to speak for himself, or necessarily absent from Court, and could not employ professional assistance) the Judge has a right in his discretion, to allow some one, who is not a legal man, to act for the suitor, but this can only be in a very exceptional case, and the learned Judge agreed with Mr. Justice Morrison, who delivered the judgment of the Court, that unprofessional persons have no *locus standi* as advocates in Division Courts.

It may be a matter of discussion as to the inconvenience that may possibly sometimes arise from the ruling in this case, but there can be no doubt that the allowance of incompetent persons to conduct cases in Division Courts has been productive of much mischief in various ways, and has been one of the principal means of driving from these Courts, where most important interests are often adjudicated upon, those who, from their education and knowledge, are most competent to represent litigants, thereby lowering the *status* of the Courts and this to the great detriment of justice, and sometimes to the discredit of its administration. In addition, it is a simple matter of right, that those who spend years of their life in study should not be supplanted by ignorant, pretentious interlopers, whose chief claim to notice is often their unblushing effrontery.

In some few Counties the Judges have followed a practice which the recent decision of the Court of Queen's Bench has shewn to have been the proper course to pursue. Judges throughout Ontario will now have a rule to guide them, though the necessities of some exceptional cases may require the exercise of a sound discretion as to whether, and how far, they may depart from it.

In connection with this subject, we direct attention to the remarks of a County Judge in England, which will be found on p. 84 post.

WITNESS FEES TO REGISTRARS.

Registrars of titles are as a class exceedingly tenacious of their rights. By united efforts they have succeeded at different times in moving the Legislature to action, and we have had amendment of the registration laws following upon amendment thereof. But these functionaries seem to have left unprovided for the matter which constitutes the heading of this paper.

By the late Ontario Act, 31 Vic. c. 20, s. 21, it is enacted that no Registrar shall be required to produce any paper in his custody unless ordered by a judge, upon which order a subpoena is to be issued in the usual way. This is in effect a statutory repetition of the rule of court: *Reg. Gen. T. T. 1856, No. 31*. But the act says nothing about the fees to which the officer shall be entitled upon the service of such subpoena, and to our certain knowledge no small squabbling has arisen at various trials to determine whether 75 cents