

ments on account of the Courts—that is, an amount equal to about £2,000 for the whole year (1851). For the half year ending 30th June last, there is a surplus, after paying all expenses, of between £900 and £1,000; and at the close of this year the Province will have drawn a revenue from the Local Courts of about £2,000 !!

This is the aggregate. Several of the smaller Counties do not, as might be expected, produce sufficient fees to pay their Court establishments; while others, larger and more populous, give a considerable overplus.

Those Counties which produce a surplus are: the United Counties of *York and Peel*; the County of *Simcoe*; the County of *Waterloo*; the United Counties of *Northumberland and Durham*; the Counties of *Brant, Middlesex, Wentworth, Kent, Grey, Frontenac, Lennox and Addington*, and *Elgin* (the last two small amounts). In all the other Counties there is a deficit.

The United Counties of *York and Peel*, the County of *Simcoe*, and the County of *Waterloo*, stand much above the others as the paying Counties.

For the half year ending the 30th June last, the surplus was as follows:—*York and Peel*, £888 14s. 6d.; *Simcoe*, £353 3s. 3d.; *Waterloo*, 331 17s. 6d.

The Counties much below the others in amounts received for fee fund, are: the United Counties of *Prescott and Russell*, and of *Huron and Bruce*; and the County of *Prince Edward*.

In the 20 Counties in which there is a deficiency, the aggregate is £1637 18s. 7d. for the last half year. In the 11 Counties exhibiting a surplus, the aggregate is £2539 19s. 4d. for the same period. The whole charge on the fee fund connected with the maintenance of the County and Division Courts is under £19,000 for the whole of the year. The net fees received the last half year considerably exceed £10,000.

These facts and figures afford material for reflection and observation; at present we merely refer to them as showing that the Local Courts are more than self-supporting, and that this important branch of the public service in Upper Canada does not cost the Province one shilling to maintain.

### THE ACTS OF LAST SESSION.

#### *Admission of Attorneys, 20 Vic., cap. 63.*

The professed object of the Legislature when passing the Statute 20 Vic. cap. 63, was to provide that no persons should be admitted attorneys of the Courts, unless those having the necessary "capacity," and in other respects "fit" to act as such: (20 Vic. cap. 63, s. 6.) It is intended that every person before he shall be admitted as an attorney shall acquire competent skill and knowledge to conduct the business of an attorney: (per Abbott, C. J., *in re Taylor*, 4 B. & C. 344.) Each and all of the provisions of the Act have these objects, and these only, in view, and must be construed so as to carry them into effect. No section is more important than that which enacts that "every person who now is or hereafter shall be bound by contract in writing to serve as a clerk to any attorney or solicitor shall, during the whole time and term of such service to be specified in such contract (not exceeding the term of five years), continue and be actually employed by such attorney or solicitor in the proper business, practice, or employment of an attorney or solicitor:" (s. 9.) It may be that there is no new principle unfolded in this section; but one cannot help feeling that the principle though not new is couched in no doubtful language. In Upper Canada, where the struggle to serve continuously for five years is one that often necessitates engagements not purely professional, it is proper to inquire to what extent an article clerk may accept employment beyond the pale of his profession. We, in the first place, premise that the operation of the section is so far retrospective that it applies to persons under articles at the time of the passing of the Act, which was 10th June, 1857. We also premise that the section is identical with s. 12 of English Statute 6 & 7 Vic. cap. 73. We find upon reading the section that, *first*, the subject of it is "a person who now is or hereafter shall be bound, &c.;" and that, *secondly*, particular duties are required of such person—that he "continue and be actually employed by such attorney, &c., in the proper business, practice, or employment of an attorney, &c., during the whole time and term of service."

*First*—Any person *sui juris* may be article clerk to an attorney. There is no statute which disqualifies any class of Her Majesty's subjects; but as