

## CORRESPONDENCE.

a creditor with a *fi. fa.* can on his *ex parte* motion obtain a stop order on funds in court. He can then by notice of motion obtain payment out to him of his debtor's money or share of money. This is nothing but garnishment of money in court. Of course the Chancery Orders and practice do not apply to the Division Court. But I mention the above point to show that there is nothing so very shocking or iniquitous in garnishing the clerk of the Division Court. There is no Court in the land where the doctrines of trusts are so well understood or so carefully applied as in the Court of Chancery, and when we find that Court not only approving, but aiding a creditor, to reach his debtor's money, in the hands of the court it should rather unsettle the complacency of those who talk learnedly and impressively of moneys in Court being impressed with a trust, and not being legal debts, &c., &c. It has been urged that asking a clerk to issue a garnishee summons against himself puts the clerk in a dilemma, as he owes a duty to the primary debtor, and should perform his earlier duty first, or, in other words, remit the money before he issues the garnishee summons. The answer to this is evident, for if the garnisher chooses, he may under s. 65 Division Courts Act (see also s. 16 Division Courts 1880) issue the summons from the next adjoining court. I take it that under the above section, that although the word *garnish* is not used, the primary creditor may issue his summons either in the garnishee's own court or in the adjoining court. This is at any rate the effect of Judge's Galt's judgment in *Bland v. Andrews* (not reported). We may, however, hear more of that, as the same case is to be argued before the full bench.

In conclusion, I would submit that reason and principle point strongly to the legality of such a garnishment, and that those whose legal acuteness leads them to different conclusions, must have learned so much law that they have forgotten their common sense and departed from their original purity of reasoning.

P.

*Judicature Act—Unlicensed Conveyancers.*  
To the Editor of THE LAW JOURNAL.

The papers announce that Mr. Mowat intends the ensuing session to again take up his "Judicature Act," which, by the way, may be of value, provided further he adopt the clause so urgently asked for by practitioners outside of Toronto as to doing away with the necessity for court applications in Toronto to the extent now necessary. And why could not Mr. Mowat insert a clause or more in aid (and I maintain he is in duty bound to do so) of the profession as against the commonly called "unlicensed conveyancers." The writer feels most grievously the loss of fees, which he is justly entitled to receive. Such persons there are, some four in this place—and I can safely say that either of them does more than the subscriber—and why should this be? Have not the Law Society (Mr. Mowat, a member) promised us impliedly if not directly, that we are entitled to the fees which these others take from us. As a means of trying to kill these writers I am much tempted to advertise I will do conveyancing *without fee*. Were I to do so, no doubt your Journal would write me a homily upon "Etiquette," and yet we are to starve in a degree. Would not something like this work? Every Registrar or Court-officer is to charge for every document which law requires him to receive, or enter double or treble fees, which is not endorsed by a duly licensed practitioner. What is the Law Society for?

S.

—  
*Chattel Mortgages.*

To the Editor of THE CANADA LAW JOURNAL.

There was a reference to the new work of Mr. Barron on *Chattel Mortgages* in your last issue, and the writer can join with you in extolling the many excellences of the learned gentleman's work.

It may not, however, be amiss to point out to the many readers of that work through your Journal one or two slight errors which have crept in and might possibly mislead some of the younger members of the profession.

The author on page 78 intimates that before a creditor can attack a fraudulent con-