

1883

by him your responsibility should cease. I may, in this connection, say that the Government has been pleased to appoint Mr. Winchester, Inspector of Sheriffs, County Attorneys, etc., and also of Deputy and Local Registrars. Such of you, gentlemen, as come under any of the above heads will not hereafter be visited by me, but, as far as advising you on any points you may desire information on hereafter, our positions are unchanged, and I will always, as heretofore, be happy to be of any service to you. The Deputy Registrars and Local Registrars, I presume, will also have the option of advising with Mr. Winchester on these points. I would bespeak for Mr. Winchester from the officers coming under his inspection, the same kindly consideration that has always been extended by you all to myself.

Præcipe orders,
fee on.

It has been ruled on appeal that one dollar fee is to be allowed on præcipe orders. This you will find was held to be so in our Minutes.

Agency fees, in
same county.

It has been ruled by the Hon. Mr. Justice Osler that Agency fees are to be allowed when a Solicitor resides in the same County as that in which the proceedings are carried on. I need not inform you that this holding is contrary to the holding of the Courts of Common Law since time immemorial, and will add very heavily to the liability of the suitors when the opposing Solicitors reside out of the county town. As to what distance it will be necessary to reside out of the county town in order to entitle the Solicitor to Agency fees does not appear, but I would suggest that it must be beyond the two mile limit within which a defendant appearing in person must fix a place at which he can be served with papers. The practice in such matters heretofore has been that when an order was made by a single Judge conflicting with a settled fixed practice of the Court, it was of course followed in the case in which it was made, but the practice of the Court continued until it was altered by a decision of the full Court. This course was found advisable because Judges often made conflicting orders, and the practice could not be varied, to comply with them. I have spoken to the learned Judge about this order and he still holds to it, and said he made it after consulting a number of his brother Judges. Under these circumstances I would advise you all to follow it in future.

Surrogate.
Land devised
to executors.

I find that a number of learned County Court Judges hold that lands devised to Executors for a given purpose, say to sell, etc., become personalty, and that they are entitled to fees on the value thereof, and that

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