

CLERKS ACTING AS AGENTS FOR SUITORS.

Our attention has been directed to Rule 100. We do not understand it as prohibiting clerks for acting as agents for suitors, except in the actual conduct of a cause in Court, when the officer has full employment otherwise, and when he should be "all eyes and all ears," to keep track of the orders made by the judge, to minute such orders, swear witnesses, cancel stamps, and perform other duties required by him in open Court. Indeed it could not be possible to carry on the business of the Division Courts unless clerks received instructions from parties at a distance, and acts for them. Ignorant persons too are seldom capable of making out their own accounts, or giving notices required by law, and would be compelled to go to some competent persons for assistance, if clerks were unable to give them aid. Lawyers are not entitled to fees, are not recognized in the Division Courts, and nearly the whole operative part of the system is and must ever be worked out by the officers of the Courts. To prevent officers acting within reasonable limits as the agents for parties, would impair the value of the Courts to a very considerable extent, and certainly the rule we have referred to has not that effect.

USE OF STAMPS IN PAYMENT OF FEES.

We hear a good deal on the subject of the use of stamps in the Division Courts, and complaints are made, we think, without good cause, of "the great delay in seeing to the cancellation of stamps during the sittings of the Courts." Now in the first place, the stamps need not be presented to the judge for inspection till the close of the Court (Rule 167, c.), so that at least it is only the judge and clerk who would be delayed; but from enquiries we have made from several able and efficient officers we are satisfied that the delay in affixing and cancelling stamps, would not necessarily occupy, on an average, half a minute to each case, or, half an hour to a list of sixty. If the judge could inspect the stamps on summonses and judgments entered by the clerk before the Court opens, even this brief delay would be considerably reduced. No doubt if the government furnished clerks with "obliterators" it would be a great convenience, yet after all, the clerk may by writing his names beforehand on stamps to be used, reduce the

actual duty in Court to insertion of date merely, and we make no doubt that if the saying of time at a Court was necessary, the judge would hold that the brief mode by figures, viz., "2 | 1 | 70, |" for "2nd Jan., 1870," would be a sufficient dating for the purpose of cancellation. We are quite disposed to sympathise with officers when they have any reasonable ground of complaint. Rule 167, as we stated in a former issue, is little more than a declaration of what the law is, and requires nothing unreasonable. We trust that all concerned will cheerfully comply with its provisions.

ADMINISTERING OATHS IN OPEN COURT.

As forms are now given in the new Rules for oaths to be administered in open Courts, they ought to be strictly followed.

The clerk anxious to acquit himself well will commit those forms to memory; if not spoken from memory, the officer should administer them reading from the book. This seems a small matter, but as the public are apt to form their impression of an officer of what they see of him in open Court (and officers naturally and properly desire to appear to advantage in the discharge of their duties), it seems well worth the trifling labour of committing a few forms to memory, that the important duty of administering oaths may be done reverentially, and without bungling or hesitation.

TRANSMITTING MONIES TO SUITORS BY MAIL.

The 159th general Rule, makes it the duty of parties entitled to monies collected to direct how they are to be transmitted; and if no such direction is given the monies are payable at the clerk's office. We recommend clerks to take written instructions from suitors as to the transmission of monies, as it is necessary for their own protection to do so. If directed to be sent by Post Office order, or in Bank bills, it will be necessary to have some entry in the cash book, and various suggestions are made as to the best practice in such cases. Perhaps the direction of the suitor to transmit, might also contain an authority to some one to sign the receipt in the cash book, or the person who mails the letter and sees the enclosure might sign. We would be glad to hear suggestions from experienced officers on this point.