sentatives at Toronto, or to embarras a Government by asking for legislation odious to many of its supporters; but it is little to ask that a section of a statute, designed for our protection, should not be totally disregarded by those appointed to administer its provisions, and that the officials who exercise a supervision over the Surrogate Court offices should advise the clerks of those offices that a breach of any of the provisions of the statute regulating the procedure of of the Court should be fatal to the reception of papers on the face of which that breach is manifest. Otherwise we have no security as to where the invasion may stop, for it appears that it is only an *attorney* who practices without a certificate that is liable to a penalty.

While writing I would draw your attention to another point which, though not actually a grievance, is still a serious inconvenience, viz.: the fact of an attorney's commission to administer oaths being confined to the limits of one county or union of counties, while appreciating the reasons for such a limit being placed in the case of non-professional man, it is difficult to understand the motive in the case of one who is entitled by virtue of his certificate to practice anywhere within the jurisdiction of the Court which grants the commission, and who is entitled to that commission upon the mere production of the certificate. To those who find it necessary in consequence of the competition with Magistrates, Division Court clerks, etc., to open offices in two or more counties, and to those who for the same reason are forced to change their field of practice, the restriction is more than an inconvenience, and I would like to be informed what was the reason for its adoption, and what is the necessity for its retention.

Hoping that the above remarks may find a place in your columns, I remain,

A DULY CERTIFIED ATTORNEY.

[We have already called the attention of the County Judges to the matter firstly referred to by our correspondent. It is surprising that this well founded grievance should be allowed to continue. We understand the County Judges meet occasionally to discuss matters affecting their duties, rights and privileges. This surely would be an appropriate object for discussion, and it cannot be said that some of them at least have not heard of it before.—EDS. L. J.]

Removal of County Judges—Powers of Local Legislatures.

To the Editor of the LAW JOURNAL.

SIR,—An able contributor in your 1st Dec. No., on the subject of the removal of County Judges, rightly claims that the power to remove must be held to reside with the same executive authority that has the right to appoint; and it seems to be a corollary to this proposition that no Parliament but the one of which this executive forms a part, can direct the mode of the exercise of this power. But it is not accepted as law in this Province that neither the appointment or removal of a Judge is any part of the constitution, maintainance or organization of a Court, as the writer at page 447 suggests. On a kindred topic, the appointment of Justices of the Peace, the local statutes, giving authority to the Lieutenant Governors, are open to much discussion; but it is submitted that they are practically, and ought to have been entitled, "Acts to provide for the maintainance and organization of the offices and Courts of Justices of the Peace." If these acts are all *ultra vires*, then all the every day local legislation making such functionaries as aldermen, &c., *ex officio* Justices of the Peace is equally as bad. A local statute having assumed to authorize the Municipal Councils to select from among the Justices of the Peace stipendiary Magistrates for distinct "police divisions," the question of the validity of such legislation was decided at Digby in the case of the *Queen* vs. *Bakin* by Savery, County Judge, a copy of whose judgment I subjoin.

Nova Scotia, LEX.
December, 1881.

The following is the judgment of Judge Savery above referred to:—

"The question is substantially the same as that discussed in *Ganong* v. *Bailey*, 1 P. & B. (New Brunswick) p. 324, and the lucid reasoning and clear exposition of legal principles in the dissenting judgment of the Chief Justice in that case demand great respect as well as careful consideration. It is undoubtedly true that a legislature of which the Sovereign is not a part cannot ordinarily legislate on a matter affecting a prerogative of the Crown, as the appointment of Judges and Justices of the Peace undoubtedly is; but it is claimed that the Parliament of the Empire has by the British North America Act delegated to the local legislature the power to do so to the extent involved in this statute. No Act of Parliament can be held to take away or