CORRESPONDENCE.

Practice in County Courts.

To the Editor of the LAW JOURNAL.

SIR,—There appears to be a difference of opinion agongst the County Court Judges as to the proper practice to be observed in making Chamber applications in the County Courts, some judges holding that such application should be made on notice and others being of opinion that they should be on summons.

Rule 490 applies the practice for the time being of the High Court to the County Courts.

Rule 412 provides that every application at Chambers in Toronto shall be made in a summary way on notice, instead of by summons, while Rule 425 provides that every application to a County Court Judge or Local Master shall, where notice of the application is necessary, be made in a summary way by summons.

On the one hand it is contended that the ordinary practice is laid down in Rule 412; and that it is the ordinary practice that is to be followed and not the exception. On the other hand, it is argued that the reason for making the distinction between the methods of bringing on an application before a County Court Judge, and an application in Chambers in Toronto, is that the County Judge, from the nature of his duties, cannot possibly be in Chambers every day, and that if a notice of motion were given for a particular day there might be no judge present in Chambers to hear it, while Chambers being held regularly in Toronto, no such difficuly would be likely to arise there. And that this reason applies with equal force to applications in County Court matters as to applications in such High Court matters as are competent for County Court Judges, after the 1st of January last, to dispose of. As this is a matter of public interest to the whole profession, I would be glad if you would favour us with your opinion upon it.

Yours, etc. J. R.

[Rule 425 seems clearly to show that in all cases of application to a County Court Judge or Local Master *under the Act or Rules*, must, where notice is necessary, be by summons.

In the case of applications, *other than those under the Jud. Act and Rules*, Rule 490 seems to show the question to be, whether the former practice of the County Court corresponded with the High Court *in this* respect, and if so, then notice should be by summons, for Rule 425 shows such is the proper course in cases of applications at Chambers, authorized by the Jud. Act or Rules, out of Toronto.

If the practice of the County Court in these latter cases differed from that of the practice of the Superior Courts, the Jud. Act does not appear to make any express provision, and therefore it will presumably continue as before.

—EDS. L. J.]

Surrogate business and the uncertificated. —Commissioners.

To the Editor of the LAW JOURNAL.

SIR,—I do not wish to add anything to the apparently fruitless discussion anent the unlicensed conveyancing evil, as the subject has already been thoroughly ventilated in your columns, but I would call the attention of your Journal to a grievience which is the outcome of that evil, and the remedy for which fortunately does not require any exertion on the part of indifferent benchers, or any intervention by a too politic legislature. I allude to the steady increasing practice of these unlicensed ones in the Surrogate Courts of the Province. Nothing is more common in the country sections than to see probate papers and letters of administration endorsed with the name of some one of these gentry, as the person who procured their issue, with probably an advertisement superadded of the Insurance Company he represents, or the Loan Company for which he is an agent. Now unless my rendering of the Surrogate Court Act is incorrect, the proceedings therein can only be undertaker by a solicitor or attorney, or by the applicant in person, and the practice of which I complain is not only unauthorized, but is in open defiance of the Act. And yet our Surrogate Court clerks, who are, or ought to be, familiar with the provisions of the statute under which they act, recive and file these papers, and our Surrogate Court Judges in adjudicating under the Act, pronounce them sufficient, stamped though they be with an avowal that one section of the Act, which is certainly entitled to some notice, has been utterly set at naught. Thus another fruitful source of income is taken away from the country practitioner, and that with official and judicial sanction. We may become enured to the idea, that the payment of our annual fees is a self-compensating privilege, or that our certificates confer an imaginary protection, and cease to disturb the masterly inactivity of our repre-