

CORRESPONDENCE.

subjects in this number is that of criminal law. It is divided into no less than fifty-one heads, given in alphabetical order. Each succeeding number makes the necessity of the work to every practitioner more apparent. We trust every effort will be made to complete it with as little delay as possible.

CORRESPONDENCE.

Deputy Clerks of the Crown and Masters in Chancery acting as agents.

TO THE EDITOR OF THE LAW JOURNAL.

What is your opinion as to the propriety of Deputy Clerks of the Crown or Masters in Chancery acting as agents for country practitioners,—issuing writs, signing judgments, making searches and process, filing bills and other proceedings, and generally doing the work of an attorney or town agent and solicitor? To my old-fashioned notions of propriety and law, and the proper duty of these officials, they have no right to act in such capacity. The reasons are too obvious to need mention. Would you kindly say a word in reply?

LEX.

[Our opinion quite coincides with that of our correspondent; and we are satisfied that if such conduct were represented to the proper authorities, it would be at once prohibited. As to Deputy Clerks of the Crown, Reg. Gen. 145, was evidently intended to prevent such irregularities.—Ed. L. J.]

Division Courts—Garnishing Debts—Jurisdiction.

TO THE EDITOR OF THE LAW JOURNAL.

SIR,—A case of some novelty and interest has recently arisen under the clauses in the Division Court Act relating to the garnishment of debts. The point is whether, when the garnishee is indebted to the primary debtor in a sum exceeding the jurisdiction of the court, there can be an order made on behalf of the primary creditor to garnish to the amount of his claim, the same being within the jurisdiction. E. G., the garnishee, owes the primary debtor \$400. The latter is indebted to the primary creditor in the sum of \$75. Can an order be sustained

against the garnishee to pay the \$75 as part of the \$400 due the primary debtor?

Before the judge can make a garnishee order, he is required to decide on the indebtedness of the garnishee, and in this particular case he must adjudicate on the whole \$400; which being beyond the jurisdiction of the court, it is submitted he has no right to do.

In the case I speak of, a summons has been obtained for a prohibition, and the question will shortly be argued. It must be confessed that the point is not free from doubt; and the writer has not been able to discover any case in point. It seems strange if a primary creditor is to be debarred from proceeding in the Division Court to garnish a claim owing the primary debtor, in every case in which that claim exceeds \$100. In what court would he proceed in such case? What determines the jurisdiction?—the amount of the primary creditor's claim, or the amount of the garnishee's indebtedness? We should be glad to know if any of your readers in other counties have heard of the point being raised.

Yours truly,

BARRISTER.

Examinations—The old law and the new.

TO THE EDITOR OF THE LAW JOURNAL.

DEAR SIR,—Will you kindly answer the following question through the columns of your journal: When the law as now established in Ontario differs from the law as laid down in the text-books—as, for instance, the difference between the law as to the descent of real property now prevailing in Ontario and the law on the same subject as laid down in “Williams on Real Property”—is a student presenting himself for examination at Osgoode Hall liable to be questioned both as to the former and latter state of the law?

Yours truly;

SECOND YEAR.

[We should say decidedly yes, not only from the fact that you are supposed to be thoroughly familiar with the books appointed for examination, but also because the only thorough way to learn the new law is by understanding the old.—Eds. LAW JOURNAL.]