

GUARDIAN AND WARD—ACTS OF LAST SESSION.

guardian is absolutely void as a matter of law: *Townsend v. Neil*, 10 Gr. 72; *Switzer v. McMillen*, 23 Gr. 538. Such a guardian may, however, obtain permission from the Court of Chancery to lease the infant's lands under the provisions contained in the 50th section of the Chancery Act (see Rev. Stat. cap. 40, sec. 76). The lease would be of course in the name of the infant, and only in this way can a valid lease be obtained of the lands during his minority. It is to be observed that no lease will be sanctioned by the Court where such a course would be in conflict with the provisions of the instrument under which the infant derives title. The statute further provides (sec. 52) that such a lease shall not be made without the consent of the infant if he is of the age of seven years or upwards. This appears to be a relic of the ancient practice in the Ecclesiastical Courts mentioned by Lee, Justice, in Fitzgib. 164, where he noticed that the course of the Spiritual Court was that if the infant was under seven years they choose a curator, but if he is seven he chooses and the Court confirms. See Co. Litt. 88 B., Harg. u. 16. It is also a legislative recognition of the fact that there is a discretion at that age, which the Court should consult and respect.

Our attention has been called to the great oversight which frequently occurs in the appointment of guardians by Surrogate Courts. No provision is made in the order of appointment, for the regular passing of the guardian's accounts at stated periods before the Court. It as often happened that the greatest perplexity and expense in unravelling the accounts has resulted from the failure to interpose such a safeguard. It may be that no accounting takes place till the termination of the guardianship, at the majority of the ward, and then it is often impossible properly to vouch the ac-

counts. This might be avoided and the interests of both guardian and ward be better protected by the judge having regular times annually or bi-ennially as the case might be for the supervision and allowance of these accounts, and making it a term of his order that this accounting should be duly observed; and there should be some provision that if the accounts were, in the discretion of the judge and after proper notification to all parties interested, duly proved, that in the absence of fraud the guardian should be relieved from further liability to account.

It may be urged against this that County Judges have already duties of an over-multifarious character to perform. But the remedy for this is to carry out more systematically the appointing of junior or deputy judges, and making such arrangements as would invest them with the office of local masters in Chancery. Sooner or later the system of payment to officials by fees must be abolished: and if some such consolidation of judicial offices as are here indicated were effected then a respectable remuneration could be afforded, which would secure competent men for the work.

 ACTS OF LAST SESSION.

The Acts passed by the Dominion Parliament at its last Session which are of interest to the profession at large are not very numerous, we are glad to say. There is sufficient strain upon the average intellect in keeping track of the amendments, &c., of the Provincial Legislature. Let it suffice therefore, at present, to say that the Acts which the practising lawyer in Ontario should note are as follows:

An Act respecting the Maritime Court of Ontario.

An Act to amend the Act respecting