

[1. A notary is described in the books as a person who takes notes, or makes a short draught of contracts, obligations, or other writings and disbursements. But at the present time in England, a notary is one who publicly attests deeds or writings in one country, to make them authentic in another country; and among merchants, his principal business is to protest bills and notes. By the English Statute 41 Geo. 3, ch. 79, no person is allowed to act as a notary, unless duly admitted, nor admitted unless he have served seven years apprenticeship to a notary. Nothing of the kind is required in Upper Canada. Notaries with us are appointed by the Crown without any previous apprenticeship, and often without any special qualification. The mere fact of appointment as a notary in Upper Canada, certainly does not imply any legal qualification derived from proper education and examination as to fitness.

2. Conveyancing in England is specially followed by a class of the legal profession, who are specially trained to it, and and who devote their lives to it. In Upper Canada it seems to be open to all the world. But we know of no title other than attorney or solicitor, which in any manner guarantees the possessor to be properly educated for the business of conveyancer. The blunders of these conveyancers who are not members of the profession, is a fruitful source of litigation in this country.

3. The liability, if any, of a notary public, conveyancer, or commissioner, for blunders, if any, in the drawing of deeds, is not nearly so great as that of the attorney or solicitor. On several occasions, bills avowing for their object the equalization of the liability, have been introduced in the Canadian Legislature, but have not as yet become law. An Act of the kind has lately been passed in Ireland, and will no doubt ere long be passed in Canada.

4. The only fees paid by notaries public and commissioners, are fees for their commissions—the former a few dollars, and the latter a few shillings, while attorneys and solicitors not only pay large fees at the time of their admission, but are subject to annual fees so long they practice, to say nothing of the expensive education requisite to enable them to pass the necessary examinations. Mere conveyancers, (not being attorneys, solicitors, notaries public, or commissioners,) as the law stands, pay no fees.

The law on the subject of conveyancing, both as to the profession and the public in Upper Canada, stands on a most unsatisfactory footing. Legislation of some kind is needed, not merely for the protection of the profession, but of the public. It is supposed that any man who can write can fill up a deed without previous skill or training of any kind. The supposition is often fallacious, and those who from false ideas of economy save a few shillings in the preparation of deeds, as often sow the seeds of litigation which result in the loss of hundreds of pounds, if not of whole estates. We draw our correspondent's attention to the remarks of Judge Hughes on this subject. page 277.—Eds. L. J.]

MONTHLY REPERTORY.

COMMON LAW.

C. B. IN THE MATTER OF ———, AN ATTORNEY.
Attorney, affidavit in support of application against—Taken off file.
Where a rule calling on an attorney to answer the matters of an affidavit is discharged by consent, the court will not allow the affidavits filed in support of the rule to be taken off the file.

Q. B. CURTIS V. LEWIS.
Venue—counsel.

The proper venue for every action is the county where the cause of action arose, and it is not a sufficient reason for changing it that either party has retained the most eminent counsel on the circuit in which that county lies, unless it is done oppressively.

REVIEWS.

THE RELATIONS OF THE INDUSTRY OF CANADA WITH THE MOTHER COUNTRY AND THE UNITED STATES. By Isaac Buchanan. Edited by Henry J. Morgan. Published by John Lovell, St. Nicholas street, Montreal.

There is much in this volume to admire. Mr. Buchanan is a thorough Protectionist, and one who is not afraid to express his thoughts. The good of Canada is his aim; and though erratic in many things that he says, he seldom loses sight of his object. He argues that manufactures must be nurtured among us, and cannot be nurtured without protection of some kind. His mission, in the words of a cotemporary, seems to be to show that man is the real wealth of the country, and that the end of legislation ought to be to protect an industrious people, who, to develop its resources, must enlarge its manufactures, and thus be enabled to secure a rotation of crops.

Without doubt, we have advantages for manufactures second to no people on the face of the earth. Without doubt, we send millions out of the country for the purchase of goods that could and ought to be manufactured by ourselves. Without doubt, the consequence is the depletion of capital—the loss of the life-blood of a nation.

In the future we hope to be a nation. Some policy, therefore, which will tend to our growth towards nationality, and secure prosperity to us as a nation, is much to be desired. That policy must be one of self-reliance. We depend too much on strangers for our support—nay, for our very existence as a people. The object of those who deal with us is to make as much money as possible out of us. Our object should be to retain as much money as possible at home. That object cannot be better entertained than by the due encouragement of home manufactures.

We do not mean that agriculture should be neglected. The growth of manufactures in our cities, towns and villages will attract population; and the greater the consumption, the better for the farmer or producing part of the population. Variety in manufactures, no doubt, also will beget variety in crops, and thus tend to bring about that which all who are interested in the farming interest desire—a rotation of crops. Agriculture and manufactures are not enemies, but twin sisters, mutually dependent upon and supporting each other.

We cannot endorse all Mr. Buchanan's views, but find in them much to recommend—much material for thought. His mind is eminently suggestive. In some things he is a theorist; but all men of thought are more or less theorists. He is deeply concerned in the welfare of the Province. By strict attention to business, combined with shrewd business habits, he has made for himself a fortune such as few among us possess. The man who is successful in his own affairs, possesses