

DIARY FOR NOVEMBER.

1 Saturday	Articles, &c., to be left with Secretary Law Society
4 SUNDAY	22nd Sunday after Trinity
5 Monday	Recorder's Court begins
6 Tuesday	Chan. Ex. Term. Godersham and Cornwall, commences.
10 Saturday	Last day for notice of Hearing, Chancery.
11 SUNDAY	23rd Sunday after Trinity
14 Wednesday	Last day for service of Writ in County Court.
18 SUNDAY	24th Sunday after Trinity
19 Monday	MICHAELMAS Term begins. Chancery Hearing Term begins
23 Friday	Paper Day, Q. B.
24 Saturday	Paper Day, C. P. Last day for decision County Court.
25 SUNDAY	25th Sunday after Trinity
26 Monday	Paper Day, Q. B.
27 Tuesday	Paper Day, C. P.
29 Wednesday	Paper Day, Q. B.
30 Thursday	Paper Day, C. P.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Patton & Archibald, Attorneys, Barrie, for collection, and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course, but they have been compelled to do so in order to enable them to meet their current expenses, which are very heavy.

Now that the usefulness of the Journal is so generally admitted it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

TO CORRESPONDENTS—See last page.

The Upper Canada Law Journal.

NOVEMBER, 1860.

NOTICE TO SUBSCRIBERS.

As some Subscribers do not yet understand our new method of addressing the "Law Journal," we take this opportunity of giving an explanation.

The object of the system is to inform each individual Subscriber of the amount due by him to us to the end of the CURRENT year of publication.

This object is effected by printing on the wrapper of each number—

1. The name of the Subscriber 2. The amount in arrear. 3. The current year to the end of which the computation is made

Thus "John Smith \$5 '60." This signifies that, at the end of the year 1860, John Smith will be indebted to us in the sum of \$5, for the current volume.

So "Henry Tompkins \$25 '60." By this is signified that, at the end of the year 1860, Henry Tompkins will be indebted to us in the sum of \$25, for 5 volumes of the "Law Journal."

Many persons take \$5 '60 to mean 5 dollars and 60 cents. This is a mistake. The "'60" has reference to the year, and not to the amount represented as due.

COUNTY COURTS—JURISDICTION IN EJECTMENT.

The act of last session chapter 43, conferring jurisdiction on the County Courts in actions of ejectment opens a new and extensive branch of business to the country practitioners.

Injuries may be so small as not to bear litigation in the Superior Courts, and persons usually submit to sacrifices of some kind to avoid it, or are tempted to take the matter into their own hands and carve out a relief which the law does not sanction—just such a class of cases will be covered by the recent enactment, and landlords will be able to obtain speedy and cheap redress at, so to speak, their own doors.

Every measure furthering a remedy of this kind, while it benefits the public, is a gain to the local practitioner by opening a new source of business.

Imagine the owner of a small house worth, say two dollars per month, bringing an action of ejectment in the Court of Queen's Bench or Common Pleas against a tenant in default or overholding—why the thing would be absurd, and any respectable practitioner would if consulted say to the landlord, "far better for you to give ten or twenty dollars to get possession of your property, than bring an action and probably have to pay your own costs amounting to more than that sum," or some doubtful expedient might be suggested as "worth risking" under the circumstances.

While the act will enable the County Courts to take cognizance of the most trifling cases, the jurisdiction is yet more extensive than might on a cursory consideration be supposed.

We purpose examining some of the leading features in the law, and take the liberty of remarking that it is a reform which has been long and warmly advocated by the Editors of this Journal, and like other subjects to which we from time to time directed public attention, has been adopted and carried into law by the Legislature.

The law owes its paternity to the Hon. Mr. Patton. It is a carefully drawn act and has the great merit of being free from a mass of words.* The consolidation of the statute law of Upper Canada would not have been a full practical benefit unless it afforded a model likely to be followed in the construction of acts of Parliament; and we notice with pleasure that several acts of last session, including the one before us, are evidently framed after the model of the consolidation.

The act deals only with the action of ejectment, and its object is to enlarge the jurisdiction of the County Courts so as to embrace it. It is to be read with "the County Courts Act"—as if its provisions had been incorporated therewith—both are to form as it were one act. Thus section one of the act before us would come in conveniently and might be read as sub-section five of sec. 17 of the County Courts Act, sections 3, 4, 6 and 7 of this act following in their order—section 339 of the Common Law Procedure Act being slightly altered so as to bring in the matter of sec. 5.

The action of ejectment is a mixed action to recover possession of land together with damages and costs. It is real in respect to the land—personal in respect to the damages and costs. But there is no general jurisdiction in ejectment: it is only in certain cases and subject to certain circumstances that it lies in the County Courts. Being purely statutable all the requisites of the statute which

* Mr. Patton has certainly improved his style in this particular since his act respecting attorneys, which was not a model of brevity.