Q. B. 168.) A change of possession, and afterwards the assignees redelivering to the debtor as their agent, though his being agent may accord with the express terms of the deed, is after all nothing but a symbolical delivery, leaving the goods just where they were before; and this, the Legislature determined, should not be the case without registration of title. (*Heward v. Mitchell et a.*, 10 U. C. Q. B. 440, S. C. 11 U. C. Q. B. 625.) Where there is no registry of the assignment, the only really safe mode, under all circumstances, is for the assignor to go out of possession, and so continue. If this be not done, instead of the public knowing of an actual and continued change of possession, they will probably know of nothing except what has all the appearance of a fraud, such as the Legislature designed to prevent. (*Carscallan v. Moodie*, 15 U. C. Q. B. 92; *McLeod* v. *Hamilton*, *Ib.* 111; *Taylor et al. v. The Commercial Bank*, 4 U. C. C. P. 447.) Still, where the parties put others in possession with the assignor, and the jury found a verdict for the assignees, the court refused to disturb the verdict. (*Maulson et al.* v. *The Commercial Bank*, 17 U. C. Q. B. 30.)

THE CANARY AND THE COUNTY JUDGE.

The County Courts of England, as our readers know, are similar in their constitution, jurisdiction, and procedure, to the Upper Canada Division Courts. The Judge decides both upon law and facts, and, like our local Judges, may exercise a large discretion. Our Judges, however, do not venture to *legislate*—they declare the law, they do not attempt to manufacture laws to suit their own particular views.

A certain Judge (Everett), who enlightens the profane vulgar resorting to the Salisbury County Court (England), has announced a new principle, not discoverable in the books as we on this side of the Atlantic read the law; and which the learned Judge must have drawn from his own brains instead of from his books, unless, indeed, by some curious process of reasoning, he has discovered it in the maxim, *de minimis non curat lex* (the law does not concern itself about *Canaries*). The case of *Matthews* v. *Redway*, reported in the *County Courts Chronicle*, is our authority. The question was as to the value of a Canary bird, and on the case being called, His Honour Judge Everett said, "he would never allow such a case to be brought into Court, without setting his face against it. He would decline to try it, and the plaintiff might go to the Queen's Bench for a *Mandamus* to compel him, if he pleased. He would never sit to try such rubbish as the value of a Canary bird."

We assume, a sale by the plaintiff to the defendant, and the action brought to recover the "value" of the bird.

The County Courts are "small debts Courts," and are so designated in the Act. The Legislature has not given any arbitrary meaning to the words "small debts," and in their ordinary signification, they include all debts however trifling in amount.

We believe, that in some of the United States, debts under a certain named amount, are, by positive enactment, not recoverable through the Courts, but we never heard of such an enactment in England, or in any British Colony where the law of England is the rule for decision of civil rights. And in the absence of any statutory provision, Mr. Everett, we are bold to say, was guilty of a denial of justice, in refusing to entertain a case because the debt claimed was very small. Not even the musical aspect of this little case, could soothe the angry feelings in the Judge's breast. Poor birdie—poor plaintiff. If the learned Judge was so irate, the subject of the action being a Canary bird, how would he have felt if the matter was more minute, and involved a question as to the value of one well trained "industrious flea." But we must not dwell too much upon what our brother of the *County Courts Chronicle* pronounces an "error in judgment," while admitting fully the general excellence of the decisions given by the County Court Judges, and the good sense, temper, and discretion, with which their actions are guided.

Our cotemporary goes on to say, "It is not because in this solitary case the matter relates to a Canary bird only, that we advert to it, but we offer some few remarks, because we think an important principle is involved in the question. Articles may derive their value from peculiar and adventitious circumstances; and to take this very case before us, a Canary may not be a bird to afford much in the way of nourishment for the table, like a Dorking pullet, or an Aylesbury duck; but, as an article of trade, to be bought and sold by professed dealers in such things, a Canary may range in value, we believe, from 3*s.* to 30*s.*, or more. Societies are formed for improving their breed, and the Crystal Palace does not disdain to hold exhibitions of them, and to decree prizes to the owners. Will it be maintained, that if a stranger wantonly kill or maim such a bird, the owner is to be deprived of the power of seeking compensation for the loss he has sustained? But we go further than this—we look to the principle upon which the refusal of the learned Judge to try the case, is based, and we cannot but think it unwise, and unsafe to say, that in a Court which has been characterized essentially "the poor man's Court," any matter, however apparently trivial, where there is a wrong to be remedied, and justice to be done, is unworthy of being heard and decided."

We cordially concur in these remarks, and go further. We assert, the action of the Judge was not only ill-judged,