

LAW ACTS OF LAST SESSION.

an act to provide for the organization of the territorial district of Muskoka, and the appointment of a stipendiary magistrate (an office which has been filled by the appointment of Charles W. Lount, Esq., Barrister-at-law, and an act respecting the interpretation and construction of Statutes.

The Act to amend the Common Law Procedure Act gives very extended powers to the judges in certifying for costs, and will we think on the whole operate beneficially to suitors; it would seem however to be open to the objection that it takes away from practitioners a guide they formerly had, as to what court should be chosen wherein to bring certain actions, occasionally a matter of doubt even under the former law. It is presumed, however, that the judges will exercise the wide discretion now given them in accordance with the general rules which have heretofore guided them in matters of this kind. The latter part of the enactment was passed in the interest of sheriffs, and is in the main a matter of justice to them; it will also in many cases act beneficially to judgment debtors, by allowing sheriffs to deal less harshly with them, than they might be inclined to do if leniency on the part of sheriffs might result in the loss of their poundage.

The act respecting overholding tenants, which repeals 27 & 28 Vic. cap. 30, contains a few words especially deserving of notice, as they give a much wider scope to this act, than had the one it repeals. The latter part of the second section extends the operation of the act "*to all other terms, tenancies, holdings or occupations,*" as well as to tenancies from week to week, from month to month, from year to year, and at will—thus in effect, apparently, giving a process of ejectment, formerly to be attained only by the ordinary writ of summons in ejectment.

The act as to executions against lands and goods has already been referred to. It yet remains to be seen whether the present enactment, which however promises well, will obviate the evils felt under the former act. The subject is not an easy one to handle, and difficulties may yet arise which this act may not meet, or may even give birth to.

The acts introduced by Mr. Blake, providing for additional examinations of articled clerks—respecting voluntary conveyances—relating to the purchase of reversions—and to

settle the law of auctions of estates, are all most desirable, and such as might have been expected from a lawyer of his ability. We have much hope that the act respecting attorneys will materially raise the standard of the profession, so far at least as legal attainments are concerned; and if it has the effect of showing some young gentlemen the advisability of their choosing another profession or business at the outset of their career, so much the better for all concerned.

The act respecting proceedings in Judge's Chambers has not yet been acted upon, though if there ever was a time when some provision to facilitate Chamber business was necessary, the present assize period is that time. It was quite sufficient that the learned Queen's Counsel who has for the time being taken the duties of the Chief Justice, on the Home Circuit, should perform those duties, as he has done, to the entire satisfaction of the profession, without burdening him with matters of practice, which, to decide promptly and correctly on the spur of the moment, requires the daily experience of Chamber practice for years. It was thought, however, as we understand, that there are grave doubts as to whether this act does not go beyond the powers of the Local Legislature, which has nothing to do with the appointment of the judiciary, and that therefore no appointment was made under it.

Of the bills which did *not* become law—and their name in the aggregate was legion—we may refer to the following:

A bill to amend the law of evidence, by allowing parties to suits to testify on their own behalf, is the most important. This proposed measure has been so freely discussed that it is not now intended to refer to it further than to express our opinion that, however proper such a law is in theory, and consonant as it is with our convictions as to what the law ought to be under other circumstances, and however well it may have worked in England, it is not a measure which, in the present state of things would be expedient here; though the time may come when the alteration of existing circumstances of the country, (which however we cannot at present discuss at sufficient length,) would change the balance in favor of the passing of such a measure as was proposed, and, after much careful consideration, rejected.