

proper discharge of the functions of law-givers is vital to the welfare of a people; and when we witness reckless legislation, we tremble for the consequences.

The work of the session, as regards civil procedure and civil rights, is by no means devoid of interest. In other columns we publish an extract from the recent address of his Honor Judge Mackenzie, of Kingston, to the Grand Jury of General Quarter Sessions, on the occasion of the opening of that court, on the 12th June, as giving in comprehensive form a review of the changes effected in the law, so far as material to be known to the legal practitioner. Most if not all of the Acts to which the learned Judge makes reference, will be found in the pages of the *Law Journal*.

THE "LAW MAGAZINE AND LAW REVIEW."

Our readers will peruse with interest an article which we publish in this number of the *Law Journal*, taken from the *Law Magazine and Review*, and headed "The Law and Lawyers in the British Colonies." It gives us great pleasure to find, in a legal periodical so influential, good opinions expressed of the status of our bar, and that pleasure is not by any means diminished when we find in the same article a complimentary reference to the *Upper Canada Law Journal*.

We are sensible of the differences that exist between the bar of this colony and that of the mother country; and feel proud to acknowledge that our endeavour is to emulate our brethren on the other side of the Atlantic. Though our local laws may and no doubt do, in some respects, differ from the laws of the mother country, yet the great body of the law in the two countries is identical. It is the old common law of England,—the germ of all that is noble and great,—a law which is the safeguard and the pride of a people among whom real liberty flourishes in real security.

The beauty of English law is, that, while it adds stability to the throne it equally protects the roof of the most humble cotter. It extends theegis of its protection to all persons without regard to creed, colour, or standing. It inspires liberty and ennobles its devotees. It is impossible that our laws can be in their purity administered by a venal bar. The proper understanding of our laws elevates the mind of man, and so dignifies the profession to whom its administration is especially entrusted.

AUTHORITY OF COUNSEL.

The English Court of Exchequer has at length given judgment in the celebrated case of *Swinfen v. Lord Chelmsford*. The judgment is in favor of the defendant. It is in effect decided that a barrister acting in good faith

and with a single view to the interests of his client, is not responsible for any mistake, indiscretion, or error of judgment. The case is to be appealed.

23 VIC.—CHAP. XXIV.

An Act respecting Foreign Judgments and Decrees.

[Assented to 10th May, 1860.]

Whereas it is expedient to amend the laws of Upper and Lower Canada respecting Foreign Judgments and Decrees and to assimilate the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enact as follows:

1. In any suit brought in either section of the Province upon a Foreign Judgment or Decree (that is to say, upon any Judgment or Decree not obtained in either of the said sections, except as hereinafter mentioned) any defence set up or that might have been set up to the original suit may be pleaded to the suit on the Judgment or Decree.

2. In any suit brought in either section on a Judgment or Decree obtained in the other section in a suit in which the service of process on the defendant or party sued has been personal, no defence that might have been set up to the original suit can be pleaded to that brought upon the Judgment or Decree.

3. In case of a suit against a Corporation, service of process on the officer or officers thereof named in the Act incorporating such Corporation, or in case there be no officer named in the said Act, then service of process according to the law of the section of the Province where the process is served, shall be held to be personal service under this Act.

4. In any suit brought in either section on a Judgment or decree obtained in the other section in a suit in which personal service was not obtained and in which no defence was made, any defence that might have been set up to the original suit may be made to the suit on such judgment or decree.

23 VIC.—CHAP. XLIV.

An Act to regulate the removal of causes from County Courts.

[Assented to 19th May, 1860.]

Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. No cause or suit instituted in any County Court in Upper Canada shall be removed or removable from such County Court, by writ of *certiorari* or otherwise, into either of the Superior Courts of Common Law, unless the debt or damages claimed amount to upwards of one hundred dollars, and then only on affidavit and by leave of a Judge of one of the said Superior Courts, in cases which shall appear to the Judge fit to be tried in one of the Superior Courts, and upon such terms as to payment of costs, giving security for debt or costs, or such other terms as he shall think fit.

23 VIC.—CHAP. LXIII.

An Act to extend the Jurisdiction of the County Courts.

[Assented to 19th May, 1860.]

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The several County Courts in Upper Canada shall have jurisdiction, and hold plea in actions of ejectment for the recovery of corporeal hereditaments, (where the yearly value of the premises, or the rent payable in respect thereof, does not exceed two hundred dollars) in the following cases, namely: