Tariff does not provide a fee; one contained in the present Tariff is omitted. We set down what we consider might be reasonably added:—

"Every notice to the Judge of application for "new Trial, or other special application, or notice "to the parties by order of the Judge in respect to "the same, when required by the Statutes or Rules, "and entering a minute thereof in the Books, 1s. "each notice.

"For taking charge of, and securing property "seized under attachment, such sum as the Judge "may order in each particular case."

We have now gone through the Tariff, taking an impartial view of the proposed charges: where not otherwise noticed we assent to the reasonableness of the charge. We have merely reviewed the matter in the shape it comes before us. Were we to take up the question as a substantive one, it would be to advocate the payment of Clerks by salary for the most part, placing the fees payable by parties at a very low figure; for we think that the general funds of a Country ought to bear the expense of the establishment of Inferior Courts, and that suitors should not be called on to sustain in their individual capacity the whole expense of maintaining such Courts—we look upon it as levying an income on the necessities of suitors.

COUNTY COURTS IMPROVEMENT: REMEDY AGAINST OVERHOLDING TENANTS.

For the "Law Journal."

Can any one shew cause why A.B., the proprietor of a couple of small cottages, should not have the possession of cottage No. 1, which C.D., his late tenant, wrongfully and unlawfully detains?—I can, says the Law, "cause why" it would cost A.B. as much as cottage No. 1 is worth to obtain it!! "There is no right without a remedy," says A.B., and I want my cottage.—Ah, replies the Law, you are quoting one of my own maxims, but I have another to meet it—"de minimis non curat lex."

The former maxim is somewhat too boastful, and the latter perverted—but in sober earnest there is virtually little protection to the proprietors of tenements of small value. In such cases the remedy against overholding tenants is worthless, for redress is to be obtained only by action in the Superior Courts. Though the freehold value of a tenement is but £30—the monthly rent under a dollar—though the party in possession does not deny that his term has expired—yet he may hold, in defiance of the landlord, till turned out by the Sheriff at the termination of an action of ejectment. The overholding tenant may offer *passive resistance*, or he may, at a trifling expense, *plead to the action*. In the former case the landlord's expenses would be about £7, supposing the property to be within 20 miles of the Court-House,—in the latter case it would cost the landlord, say £20, as much as the freehold value of his tenement. He would have a *right*, certainly, to recover some portion of these costs from the tenant, but—"can you get blood from a stone," can you obtain the costs from a man who is worth nothing? And such would be the case in 99 cases out of every 100. Nor can the loss on wrongful overholding be estimated by the costs out of pocket merely. A farm, say, is rented; the term ends just before the sowing season—a knavish tenant may hold in defiance of honesty and law till it has passed, and the year's crop is thus lost to the landlord. The law protecting rights to personal chattels is on a much better footing.

In the law of landlord and tenant a reform is urgently required. There is not a greater blemish in our jurisprudence than the one pointed out. the remedy, to be effectual, must be cheap and speedy. Such an one it is intended to propose—not anything unsanctioned by precedent—not any untried scheme but merely an enlargement of the admirable provisions in the Chief Justice's Act, 4th Wm. 4, c. 1, respecting overholding tenants—this was at the time it was devised the best remedy that existing tribunals permitted, and though in point of expense of little advantage, in the element of time it is an immense saving. It enables a landlord to apply to a Judge of the Court of Queen's Bench on affidavit making out a case of overholding. Upon an order of the Judge a writ issues, directed to some barrister selected for the occasion as Judge to try the question. This *ad hoc* Judge, or Commissioner, as he is called, issues his warrant to the Sheriff for a special jury to try the facts, and the case is heard, as at Nisi Prius. The finding of the jury is certified by the Commissioner to the Court above, and if in favor of the landlord, a writ is issued directing the Sheriff to put him into possession.

In many particulars Upper Canada has taken the lead of England in legislative improvements respecting the administration of Justice. For example, in the Local Courts system, and the law of attachment against absconding debtors—but in the subject of this article we are lamentably in the background. The statutes regulating the Civil Bill Courts in Ireland made provision for the redress of such wrongs years ago—giving a jurisdiction in ejectment by landlords against their tenants when the latter desert the premises—also against overholding tenants, and against tenants owing a year's rent, &c. And the English County Courts Act confers similar jurisdiction on County Courts, by enabling the possession of small tenements, under the annual value of £50, to be recovered, where the relation of landlord and tenant exists between the parties and the tenancy has ended. Seeing then that an