

DIARY FOR APRIL.

- 2. Saturday Last day for notice of trial York and Peel Assizes.
- 3. SUNDAY *Low Sunday.*
- 4. Monday County Court and Surrogate Court Term commences.
- 9. Saturday County Court and Surrogate Court Term ends.
- 10. SUNDAY *2nd Sunday after Easter.*
- 11. Monday York and Peel Spring Assizes.
- 17. SUNDAY *3rd Sunday after Easter.*
- 23. Saturday *St. George.*
- 24. SUNDAY *4th Sunday after Easter.*
- 25. Monday *St. Mark.*
- 30. Saturday Articles, &c. to be left with Secretary of Law Society Last day for completing Assessment Rolls. Last day for Non-Residents to give Lists of their lands.

BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to pay to the member that at our past due accounts have been placed in the hands of Mr. A. Douglass & Co., 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.

The Upper Canada Law Journal.

APRIL, 1864.

THE LATE CHARLES C. SMALL.

One by one the old landmarks of Upper Canada are being removed. Scarcely a month passes that we are not called upon to chronicle the death of some old and much respected inhabitant of this part of the province. One by one the pupils of the venerable Bishop of Toronto are being summoned to their last home—he being left as it were to look after the spiritual comfort of each and all, so long as it may please providence to extend their earthly pilgrimage.

Charles Coxwell Small cannot be allowed to leave us forever without a parting word to his memory. Though less distinguished as a lawyer than Sir John B. Robinson and other great pupils of the Bishop, who lately have left this world, he was not less distinguished in all the attributes which go to make up the character of the gentleman and the christian. It pleased providence for years to afflict him sorely, but, notwithstanding pains and trials, he never forgot the courtesy that one man owes to another and the devotion which every man owes to his God.

The family of the deceased is one of the oldest in this part of the province. His father, John Small, came to Upper Canada with Governor Simcoe in 1792, and for many years held the office of clerk of the Executive Council and of the Crown in Upper Canada. His son, Charles, was born in "Little York," now Toronto, on 31st December, 1801, in the house in which afterwards he

breathed his last. This house was built on the site where for many years the Executive Council chamber stood. Mr. John Small, his father, resided there surrounded by the primeval forest at a time when bears and wolves, even within the memory of Mr. Charles Small, were heard to growl around the house. It is now one of the most densely populated parts of the city of Toronto.

The subject of this notice received his early education in Bath, England; but it was finished, as we have already intimated, under the careful and able training of the present Bishop of Toronto. He was also at one time a pupil of the late Venerable Geo. O'Kill Stuart. We have little to recount of his "school-boy days." He became a student of the law under the late much esteemed Sir John B. Robinson, and was called to the bar of Upper Canada as early as April, 1824—having for two years previously acted as deputy for his father. He never practised his profession; for in 1825 he was appointed clerk of the Crown and Pleas in Upper Canada, which office he held till the day of his death. He was one of the few officers in the civil service at the present time who held his commission from the Imperial Government. In 1828 he visited England, and in that year was married at Fulham Church, near London, to Frances Elizabeth Innis, by whom he had five sons and two daughters, all of whom survive him. His wife died in 1857. His eldest son, John, is now chief clerk in the office of the Court of Queen's Bench, and discharges the duties of that office with much ability.

Until 1849, there was only one court of common law of superior jurisdiction in Upper Canada—the Queen's Bench. Mr. Small was the clerk of that court, and until 1849 received all the fees of the office for his own use. Out of the fees he paid his deputies in the several districts of Upper Canada, and all other expenses connected with the office. His income, however, was a handsome one. In 1849, the fees were directed by the Legislature to be funded. It was in that year the Court of Common Pleas was first established. Provision was made for the appointment of a clerk of the Crown and Pleas in each of the Courts of Queen's Bench and Common Pleas, at an annual salary of £400 per annum. Mr. Small continued to hold the office in the Queen's Bench or senior Court, and Mr. Heyden, his now successor, received the appointment in the Common Pleas. But as the office in the Queen's Bench had been for a long time held by Mr. Small, special provision was made for the payment to him of an annual salary of £750, free and clear from all taxes and deductions whatsoever. His successor receives only £400 per annum.

In 1840, Mr. Small, while suffering from a severe attack of tic doloureux, was put by his physicians under a course of mercury, and while subject to its influence he in that