

CHANCERY CHAMBERS REPORTS—A POINT OF PRACTICE.

DIARY FOR DECEMBER.

1. Satur... Michaelmas Term ends. Clerk of every Municipality except Counties to return No. of resident ratepayers to Registrar General.
2. SUN.... 1st Sunday in Advent.
3. Mon.... Last day for notice of trial for County Court.
8. Satur... Conception of the Blessed Virgin Mary.
9. SUN.... 2nd Sunday in Advent.
11. Tues.... Quarter Sessions and County Court Sittings in each County.
13. Thurs... Last day for service for York and Peel. Last day for Collector to return Roll to Chancery.
16. SUN.... 3rd Sunday in Advent.
17. Mon.... Recorder's Court sits
21. Friday, St. Thomas.
23. SUN.... 4th Sunday in Advent.
24. Mon.... Declare for York and Peel.
25. Tues.... Christmas Day.
26. Wed.... St. Stephen.
27. Thurs... St. John the Evangelist. Sittings of Court of Error and Appeal.
28. Friday, Innocents.
30. SUN.... 1st Sunday after Christmas
31. Mon.... Last day on which remaining half of G. F. S. payable. End of Municipal year.

THE

Upper Canada Law Journal.

DECEMBER, 1866.

CHANCERY CHAMBERS REPORTS.

It is a fact which we do not attempt to deny, that the *Upper Canada Law Journal* has not hitherto been as useful to practitioners in the Court of Chancery as it has been to those practising in the Courts of Common Law, nor has it been as largely patronised by the former as the latter. It is unnecessary to search for reasons for this, but we accept the fact as to the past, and hope to remedy it in the future. Many original reports on points of practice decided both in full court and in Chambers have certainly been given, but not in such numbers as we could have wished, nor with regularity sufficient to command the support of many who otherwise wish us well.

Partly as a necessity arising from the very nature of equity jurisprudence, and partly from a combination of other causes, the practice of the Court of Chancery has not been hitherto as well settled or as well understood as that of the common law courts. One of these reasons has doubtless been the want of a sufficient judicial staff to grapple with the increasing business of the court. This state of things has, however, been altered greatly for the better by the appointment of a barrister, with the title of Judge's Secretary, to assist the judges in their Chamber work. This

gentleman, well thought of whilst at the bar, is now proving himself thoroughly master of the situation in his quasi judicial capacity. The great mass of the Chamber business passes through his hands or comes under his observation, whilst on all new points, and in matters of difficulty and importance, before giving a decision, he consults the judges of the court as to their opinion. It is not, we think, unreasonable to suppose that under this state of facts greater uniformity in the practice will be secured.

With all this in view, we have made arrangements with several gentlemen thoroughly competent for the task, and having large practice in Chancery Chambers, for a regular supply of reports of recent cases deciding points of interest to the profession; and these reports will be the more useful and reliable, as the Judges' Secretary has kindly consented to revise them before publication.

This has been, as our readers will see by reference to the last and the present number, already commenced, and we doubt not we shall be able to continue, and we hope increase the usefulness of these reports.

A POINT OF PRACTICE.

It was a few days ago decided in Chambers, by Mr. Justice Adam Wilson, that where the same person is the Toronto agent for two principals, the service of papers by the clerk of the agent on behalf of one principal on the agent himself, as on behalf of the other, will not, if objected to by the latter, be recognised as a good or sufficient service.

This decision, if upheld, is one of considerable importance to practitioners, in various ways. The practice that was followed in the case referred to has been for some time past the almost universal practice in all the Toronto offices where a large agency business is done, and this case will more or less unsettle that practice. It will force practitioners (if other judges take the same view) to make some other arrangements in the premises. It is difficult to say, however, what such arrangement should be. The rule of court only seems to contemplate the appointment of one agent, and if so, an attorney cannot be compelled to appoint more than one; and if he appoint one, he may insist upon papers being served upon that one, and that they shall not be post-