

LAW REFORM ACT OF 1868.

DIARY FOR JANUARY.

1. Frid.. *Circumcision*. Taxes to be comp. from this date.
3. SUN.. *2nd Sunday after Christmas*.
4. Mon.. Co. Ct. and Surr. Ct. Term begins. Municipal Elections. Heir and Devisee Sit. con.
6. Wed.. *Epiphany*. Elec. School Trustees. Christmas Vacation in Chancery ends.
8. Frid.. Last day for Township, Vill. and Town Clerks, to make return to County Clerk.
9. Sat.. County Court and Surrogate Court Term ends.
10. SUN.. *1st Sunday after Epiphany*.
11. Mon.. Election of Police Trustees in Police Villages.
15. Frid.. Treas. & Chair. of Mun. to make ret. to Bd. of Audit. School Rep. to be made to L. S.
16. Sat.. Articles, &c., to be left with Sec. Law Society.
17. SUN.. *2nd Sunday after Epiphany*.
18. Mon.. Municipalities and Munic. Councils (exc. Co.'s) and Tr. of Police Vill. to hold 1st meeting.
19. Tues.. Heir and Devisee Sitings ends.
24. SUN.. *Septuagesima*.
25. Mon.. *Conversion of St. Paul*.
26. Tues.. 1st Meeting of County Councils.
29. Frid.. Examination of Law Students for Call to Bar.
30. Sat.. Sch. Finance Report to Board of Audit. Last day for Co. and Cities to make ret. to P. S.
- Exam. of Art. Clerks for certif. of fitness.
31. SUN.. *Sexagesima*.

THE

Canada Law Journal.

JANUARY, 1869.

LAW REFORM ACT OF 1868.

This high sounding title requires an interpretation, otherwise, the uninitiated might confound this effort at law reform on the part of the Attorney-General for Ontario with the result of the learning foresight and perseverance of the eminent men who were instrumental in giving to the country such a measure as the Common Law Procedure Act.

The Act before us, when in the shape of a Bill, was entitled "An Act to reduce the Sittings of the County Courts and General Sessions of the Peace, to abolish Recorders' Courts and for other purposes." The sting is in the tail. The "other purposes" seem to be some of the objects of the Act, and the result of these purposes we propose shortly to discuss. The whole thing has been done so suddenly and so little time for discussion has been given to the interested public that it is now too late to reason upon the necessity for or propriety of such a measure or combat the argument of the supporters of the bill which has, with some amendments, now become law.

We give in another place a copy of the Act as it appears in the *Ontario Gazette*.

The principal features of this Act are these: Recorders Courts are abolished; the Equity

Jurisdiction of the County Courts is done away with; the Terms and Sittings of the County Courts (except in the County of York) are reduced to two in each year; the Courts of General Quarter Sessions, now to be called the Courts of General Sessions of the Peace, are to be held semi-annually; all issues of fact and assessments of damages in actions brought in County Courts may be tried and assessed, in the election of the plaintiff, at any sittings of Assize and Nisi Prius for the county in which the venue is laid; all issues of fact and assessments of damages shall in the absence of a notice to the contrary be heard, tried and assessed by the presiding judge without the intervention of a jury; and lastly, the City of Toronto is re-united for judicial purposes to the County of York.

Some of these changes introduced by the Act will meet with approval, and the expenses of criminal justice may be lessened; but, upon the whole, we venture to assert that the opinion of the judges, the bar, and practitioners generally, is largely opposed to the Act.

Upon the County Judges in those Cities where Recorders Courts have hitherto existed will devolve increased work with reference to criminal business in their capacity of chairmen of the General Session in their respective Counties. But the other changes introduced by this Act will as we shall shew hereafter much decrease their civil business. On the other hand, the criminal business in the Sessions throughout the country will as a rule be reduced, for much of it must necessarily (as there will be only two Sessions in the year and prisoners cannot be kept lying in jail untried) be sent to the assizes to be disposed of. The effect of this will be of course incidentally to swell the calendars at Assizes.

It has been thought by some, that the provisions of this Act respecting the alterations in the Quarter Sessions are unconstitutional, as beyond the powers of the Local Legislature. But we do not pause to consider this at present; and leaving that part to the Act which affects the organization of Criminal Courts (or Criminal procedure if such be the proper reading), we now turn to the sections, commencing with sec. 17, which make some important changes affecting trials and assessments in civil cases.

By 23 Vic., chap. 42, any action depending in either of the Superior Courts of Common