

DIARY FOR SEPTEMBER.

1. Saturday..... Paper Day, Common Pleas.
2. SUNDAY..... 13th Sunday after Trinity.
3. Monday..... { Last day for notice of Examination in Chancery, Sandwich and Whitby. Paper Day, Queen's Bench. Last day for notice of Trial in County Courts.
4. Tuesday..... { Chancery Examination Term, Toronto, commences. Paper Day, Common Pleas.
5. Wednesday... Paper Day, Queen's Bench.
6. Thursday..... Paper Day, Common Pleas.
8. Saturday..... TRINITY TERM ends.
9. SUNDAY..... 14th Sunday after Trinity.
10. Monday..... { Last day for notice of Examination in Chancery, Chatham and Cobourg.
11. Tuesday..... { Last day for service of Writ for Toronto Fall Assizes. Quarter Sessions and County Court sitting in each County.
16. SUNDAY..... 15th Sunday after Trinity.
17. Monday..... Last day for notice of Ex. in Chancery, London & Belleville.
18. Tuesday..... Chancery Examination Term, Sandwich & Whitby, commences.
21. Friday..... Last day for declaration for Toronto Fall Assizes.
23. SUNDAY..... 16th Sunday after Trinity.
24. Monday..... { Last day for notice of Examination in Chancery, Brantford and Kingston.
26. Tuesday..... Chancery Examination Term, Chatham & Cobourg, commences.
29. Saturday..... Last day for notice of Trial for Toronto.
30. SUNDAY..... 17th Sunday after Trinity.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Fulton & Ardagh, Attorneys, Barrie, for collection; and that only a prompt remittance to them will save cost.

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.

TO CORRESPONDENTS—See last page.

The Upper Canada Law Journal.

SEPTEMBER, 1860.

NOTICE TO SUBSCRIBERS.

As some Subscribers do not yet understand our new method of addressing the "Law Journal," we take this opportunity of giving an explanation.

The object of the system is to inform each individual Subscriber of the amount due by him to us to the end of the CURRENT year of publication.

This object is effected by printing on the wrapper of each number—

1. The name of the Subscriber. 2. The amount in arrear. 3. The current year to the end of which the computation is made.

Thus "John Smith \$5 '69." This signifies that, at the end of the year 1860, John Smith will be indebted to us in the sum of \$5, for the current volume.

So "Henry Tompkins \$25 '60" By this is signified that, at the end of the year 1860, Henry Tompkins will be indebted to us in the sum of \$25, for 5 volumes of the "Law Journal."

Many persons take \$5 '60 to mean 5 dollars and 60 cents. This is a mistake. The "60" has reference to the year, and not to the amount represented as due.

THE COMMON SCHOOL ACT—EXTRA-JUDICIAL OPINIONS.

The Act of last Session (cap. 49) "to amend the Upper Canada Common School Act," discloses a new feature in legislation upon which we feel bound to remark. So singular, and if acted on, so mischievous a provision as that contained in the 23rd section may well invite discussion. The few remarks we purpose to make are offered with a view to

draw the attention of our readers to the Act, rather than with a design to discuss the subject of it at this time.

In looking over the Act we were met at the first step with a common error in the framing of statutes: the preamble does not fully embrace the whole subject matter of the act. Preambles are not necessary in a well drawn act; they are seldom as clear and accurate as they ought to be and are often incorrect, as in the example before us:—

"Whereas it is expedient to amend the law respecting Common Schools, &c.," is the preamble. The 23rd sec. goes beyond it and amends (or purports to amend) the law respecting *Grammar Schools*, and the last clause of the act embodies a great error in legislation, that of leaving the courts to find out and determine what provisions of previous acts are repealed, instead of at once expressly stating what clauses were intended to be repealed.

In another place we have spoken of the very objectionable form of enactment that "so much of a previous act as is inconsistent with the provisions of this act is repealed."

But let us look at sec. 23—it is as follows:—

"It shall be lawful for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under Grammar or Common School Acts to any Judge of either of the Superior Courts for his opinion and decision."

We object to this provision, believing it unsound in principle as well as inexpedient. It places the Judges of our Superior Courts—men holding the highest offices in the country—in the position of being legal advisers to the Chief Superintendent of Education—called upon to pass an opinion upon every case he "deems it expedient to submit" to them.

We ask—is it right to call upon these high functionaries to give an opinion upon any case got up by any individual, whatever may be his position officially or otherwise? How is the Chief Superintendent to collect and ascertain the facts—how is the clause to be worked? Is he to seek the interpretation of any word or clause on which a difficulty as to the application suggests itself, to require an interpretation so comprehensive, a paraphrase so clear, as to provide for every case which may arise? Our Judges are able men and sound lawyers no doubt, but they will scarcely be able to accomplish such a feat. Is the Chief Superintendent to give his own version of specific cases as they arise, and is the Judge to act upon that functionary's *ex parte* statement of the facts? We cannot understand how the material for "the case" is to be obtained. We know of no machinery for taking evidence to ground a case for a judicial decision, and we cannot suppose that any clandestine method is contemplated. We do not mean the word "clandestine" to be understood in an offensive sense; but any plan of collecting facts for such a purpose, not in