

GENERAL CORRESPONDENCE.

object of the statute, as well as of the order to try the case at the County Court.

However, from some motive or other, the learned Judge directed the jury to find for the plaintiffs, but reserved leave to the defendants (who had appeared) to move against the verdict upon the points above, and endorsed the record as follows: "I hereby certify that this cause is one which, in my opinion, should stand for motion in the Court of Queen's Bench."

This, of course, as was contended by the plaintiffs' counsel, defeated the object of the order; and though the Court of Queen's Bench saw fit to grant the order, that time might be saved, still his Honor took it upon himself to throw the plaintiffs over until Michaelmas Term next, that being the Term of the Superior Courts next following the date of the certificate endorsed on the record. This ruling of his Honor was somewhat difficult to understand. However, it ought, perhaps, not to be inferred that he acted contrary to what he thought *might be right*; but it is certainly to be deeply regretted that, when a statute provides a method by which claims of this description can be more speedily recovered (and in a case like this, where time is of the greatest importance) there is not some method of testing the validity of the ruling of a Judge below, without the necessity of waiting till the fifth day of the following term of the Courts above. If defendants are entitled, as of course, to except to declarations in cases like this, the statute would be useless—its object entirely defeated. It was passed, no doubt, to cover cases exactly like the present, where a defence is made simply for time.

And looking from the most favorable standpoint for the defendants,—supposing that the declaration did not disclose a sufficient cause of action against one defendant; that it was insufficient, *i. e.*, either as disclosing a case insufficient on the merits, or as framed in violation of any of the rules of pleading, was not that defendant estopped from raising any objection which might, and ought to have been raised by a demurrer, when he had, in fact, selected the course of going to trial, of placing himself upon the country, upon the issue *payment or no payment*?

Please give an opinion on the subject, and oblige,
Yours very truly,

ARMOUR & LOWE.

[We confess that we are unable to see any ground for the learned Judge reserving the points alluded to above, on the facts there set forth. It would, however, be unfair to discuss the subject at length upon an *ex parte* statement, and it would be very improper to countenance any insinuation as to motives. As an abstract question, suggested by a perusal of this letter, it may be questioned whether a full, temperate and liberal discussion of the rulings of Judges would not be, in the long run, as beneficial to the judges themselves as it would to the profession. Such is the practice in England, though less so here, for reasons which it is not necessary to discuss; and though it would not be seemly for a Judge to enter the arena, he would not want a champion if his decision contained but the smallest foundation whereon to build an argument.

This is a matter which is capable of being much enlarged upon. Our present observations are drawn out by considering the difficulties to which lawyers are often subjected (without offering any opinion as to the legality of the decision above complained of) by the want of knowledge or carelessness of those who hold positions which give a propriety or weight and importance to decisions which are occasionally intrinsically worthless.—Eds. L. J.]

Law Reform.

TO THE EDITORS OF THE LAW JOURNAL.

SIR,—The Act respecting Mortgages and Sales of Personal Property unaccompanied by change of possession is in its present scope insufficient for the protection of Her Majesty's lieges.

The registration of every claim to personal property is necessary for the protection of the public in view of the fact that the holder of moveables is always presumed to be the owner. Anything calculated to rebut this presumption should be as notorious as the fact of possession—at least as far as it is possible to make it so.

It is certainly to the credit of the profession that pleading practitioners are more acute than legislators. To secure a claim, without sacrifice of the debtor's goods, it is comparatively easy to have a quiet Sheriffs' sale, to the creditor. The thing can be managed very pleasantly and your client is safely secured. Furniture, pianos and the like can be leased nom-