

the lowest class. This is all he would have had to pay if he had been condemned to pay one or two months rent, why then should he be subjected to the costs of an action for the whole annual rent, because he happened to have paid up all the rent? There is evidently an inconsistency here, which has not been removed by the Code of Procedure. We are of opinion that the judgment confirmed by the Court of Appeals was the only judgment that could reasonably have been rendered, so far as this point was concerned, but the amending act, 25th Victoria, evidently requires reconsideration.

THE NEW REGISTRATION DUTIES.

By an order in Council, the new tariff of duties imposed under the "Act to provide a fund towards defraying expenses incurred for matters necessary to the efficiency of the Registry Laws," is to come into operation on the 1st of October next. The tariff is the same as published 2 L. C. Law Journal, p. 28, and the duties are, until further orders, to be paid in money, the amount received by every Registrar to be by him accounted for and paid over to the Receiver General immediately after the close of every third month, to be reckoned from the 1st of October next.

LEGAL APPOINTMENTS.

The appointments, already noticed, of Judge MEREDITH as Chief Justice of the Superior Court, and of Judge BADGLEY as a *puisné* judge of the Court of Queen's Bench, have now been officially announced. Mr. Assistant Justice MONK has also been appointed a judge of the Superior Court. The Hon. CHARLES ALLEYN has been named Sheriff of Quebec.

In Upper Canada, Mr. DEACON, of Perth, has been appointed County Judge of the County of Renfrew; Mr. EDWARD HORTON has been appointed Deputy Judge of the County Court for the County of Elgin; and Mr. LAWRENCE LAWRASON, Police Magistrate for the City of London.

LAW JOURNAL REPORTS.

COURT OF QUEEN'S BENCH,

APPEAL SIDE.

June 9.

NAUD, (Defendant in the Court below) Appellant; and SMITH, (Plaintiff in the Court below) Respondent.

Ejectment—Costs—25 Vic. c. 12, sec. 1.

Held, that in an action of ejectment, where no rent or damages are sued for, the costs will be taxed according to the amount of the annual rent.

This was an appeal from a judgment rendered by the Court of Review at Montreal (1 L. C. Law Journal, p. 67,) on the 30th of September, 1865, confirming a judgment by *Loranger, J.*, at Sorel. The action was brought by Elizabeth Smith to eject the defendant from premises occupied by him in Sorel, for holding over for more than three days after the expiration of the lease. The plea was to the following effect: that in January, 1865, the defendant asked the plaintiff whether she would renew the lease for another year on the same terms, viz. £36 per annum, and that the plaintiff answered that she would let him remain for £40. The Circuit Court for the District of Richelieu, holding that the defendant had not established his plea, sustained the plaintiff's action, and condemned the defendant to pay full costs. This judgment being inscribed for revision at Montreal, was confirmed in every respect. The defendant appealed from these decisions on the following grounds:

1st. That the judgment of the Circuit Court bore date 14th April, 1865, whereas the action was not instituted till the 4th of May, 1865.

2nd. That by section 4 of chap. 40, C. S. L. C., ejectment actions shall be "instituted in the usual manner in the Superior or Circuit Court; and the annual value or rent shall determine the jurisdiction of the Court." But by the amending act, 25 Vict. cap. 12, sec. 1, "actions under this act shall be instituted in the Superior or Circuit Court, for the amount of rent or damages sued for."

It was hence contended by the defendant that there no longer existed legal dispositions