

## IN MEMORIAM.

A well merited tribute of respect has been recently paid to the memory of the late William Alexander Campbell, an old member of the profession, and formerly Clerk of Assize at Toronto, in the erection of a handsome tombstone over his grave in St. James's Cemetery.

To render the tribute as general as possible, the subscription was purposely placed at a small sum and was shared by almost all the local members of the profession; and we are informed by the committee who took the kind work in hand, that they found their task a very easy one, the immediate and universal reply to their application being—"Most cheerfully will I subscribe to mark poor Campbell's grave," with the addition, in many cases, "I should have been pained had I not been asked."

The following is the inscription:

Sacred

TO THE MEMORY OF

WILLIAM ALEXANDER CAMPBELL,

BARRISTER-AT-LAW,

GRANDSON OF THE LATE SIR WILLIAM CAMPBELL, KNIGHT,

FORMERLY CHIEF JUSTICE OF UPPER CANADA.

HE HELD FOR THE LONG PERIOD OF THIRTY-SIX YEARS THE OFFICE OF

MARSHALL AND CLERK OF ASSIZE, AT TORONTO,

AN APPOINTMENT WHICH BROUGHT HIM INTO INTIMATE ACQUAINTANCE WITH

THE TORONTO BAR.

WHO, AS A MARK OF AFFECTIONATE REMEMBRANCE,

HAVE PLACED THIS STONE TO MARK HIS RESTING PLACE.

HE DIED AT TORONTO 16TH MAY, 1861, AGED 61 YEARS.

## 27 &amp; 28 VICT., CAP. 25.

*An Act to amend section forty-one of chapter twenty-four of the Consolidated Statutes for Upper Canada, relating to arrest and imprisonment for debt.*

(Assented to, June 30th, 1864.)

Whereas it is expedient to amend the forty-first section of chapter twenty-four of Consolidated Statutes for Upper Canada, relating to arrest and imprisonment for debt. Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The words "In case any party has obtained a judgment in any Court in Upper Canada," as used in section forty-one of chapter twenty-four of the Consolidated Statutes for Upper Canada, shall, from and after the coming into force of this Act, for all the purposes of the said cited Act, be taken to mean, as well a party defendant as a party plaintiff, and to extend to all judgments, whatever the cause of action for which the same may have been or may be recovered.

2. This Act shall come into force upon, from and after the first day of August next.

## 27 &amp; 28 VICT., CAP. 29.

*An Act to amend the third section of the eighty-eighth chapter of the Consolidated Statutes for Upper Canada.*

(Assented to, June 30th, 1864.)

Whereas it is expedient to amend the third section of the

eighty-eighth chapter of the Consolidated Statutes for Upper Canada, intituled *An Act respecting the Limitation of Actions and Suits relating to real property, and the time of prescription in certain cases*:—Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The third section of the said eighty-eighth chapter of the Consolidated Statutes for Upper Canada shall be so amended as to read as follows:—

"3. In the case of lands granted by the Crown of which the grantee, his heir or assigns, by themselves, their servants or agents, have not taken actual possession by residing upon or cultivating some portion thereof, and in case some other person not claiming to hold under such grantee has been in possession of such land, such possession having been taken while the land was in a state of nature, then unless it can be shewn that such grantee or such person claiming under him while entitled to the lands had knowledge of the same being in the actual possession of such other person, the lapse of twenty years shall not bar the right of such grantee or any person claiming under him to bring an action for the recovery of such land, but the right to bring such action shall be deemed to have accrued from the time that such knowledge was obtained: Provided always, that no such action shall be brought or entry made after forty years from the time such possession was taken as aforesaid."

2. This Act shall take effect from the first day of January, in the year of Our Lord one thousand eight hundred and sixty-five.

3. Provided always, that nothing herein contained shall be construed to affect any suit or action actually pending at the time of the passing of this Act.

4. This Act shall apply to Upper Canada only.

## 27 &amp; 28 VICT., CAP. 30.

*An Act to afford a more expeditious remedy as regards Tenants overholding wrongfully in Upper Canada.*

(Assented to, June 30th, 1864.)

Whereas it is expedient to provide a less expensive and more expeditious mode of proceeding against tenants overholding wrongfully, than is provided by chapter twenty-seven of the Consolidated Statutes for Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. In case a tenant, after the expiration of his term (whether the same was created by writing or parol) wrongfully refuses, upon demand made in writing, to go out of possession of the land demised to him, his landlord, or the agent of his landlord, may apply to the County Judge of the county or union of counties in which such land lies, in term or in vacation and wherever such judge may then be, setting forth, on affidavit, the terms of the demise, if by parol, and annexing a copy of the instrument containing such demise, if in writing, and also a copy of the demand made for the delivering up of possession, and stating also the refusal of the tenant to go out of possession, and the reason given for such refusal (if any were given) adding such explanation in regard to the ground of refusal, as the truth of the case may require.

2. If upon such affidavit it appears to such county judge that the tenant wrongfully holds on or without colour of right, such judge shall appoint a time and place at which he will inquire and determine whether the person complained of was tenant to the complainant for a term which has expired, and whether he does wrongfully refuse to go out of possession, having no right to continue in possession, or how otherwise.

3. Notice in writing of the time and place so appointed by the county judge for holding such inquiry, shall be by the landlord served upon the tenant, or left at his place of abode.