

able assistance of our Secretary; and if in any instance we have mistaken the spirit of the Laws, or omissions may be discovered, we have laboured too strenuously to shrink from the assertion that the defects can only have arisen from the multitude and variety of the subjects embraced in the mass of Statutes codified.

That portion of them which we have purposely omitted from the first Volume relates principally to private rights and corporations, which will require to be presented in a second Volume, very much as they have already been printed.

The Acts authorizing Justices of the Peace to recover small debts, and the Surrogate Law, although connected with law reform, we thought it advisable to codify at once, since whatever alterations were deemed necessary, or could be made in the present circumstances of the country, have been attended to in this revision. In the Chapter "Of the jurisdiction of Justices of the Peace in civil suits," we recommend that an appeal should no longer be allowed. We are unable to see why the verdict of twelve men in a case amounting to twenty pounds should be final, and yet when the contest is only for five pounds, and the verdict by three, that the latter should not also be conclusive. Should the Legislature, however, entertain a different opinion, the review will be found, as we have framed it, more expeditious and less expensive than the present mode.

We would especially call attention to the action of replevin, some new provisions for which will be found in the law relating to landlord and tenant. It has been a subject of doubt whether that action would lie where goods were merely wrongfully detained. That doubt we have now removed by allowing the writ to issue in such case as well as for a wrongful taking. The settlement of this point will not only enable a party to recover his own goods, however kept from him, but prevent the defendant from obtaining a nonsuit, or a verdict, and recovering costs, merely because the plaintiff has failed in proving a taking, at the very time he has succeeded in establishing the fact of the defendant having wrongfully *withheld* his property. We have also made the first writ issued answer as well for replevying the goods as for requiring the appearance of the party, which at present is only accomplished by a second writ if he does not appear on the first.—To remedy