

DIARY FOR JANUARY.

1. Frid.. *Circumcision*. Taxes to be comp. from this date.
3. SUN.. *2nd Sunday after Christmas*.
4. Mon.. Co. Ct. and Surr. Ct. Term begins. Municipal Elections. Heir and Devisee Sit. com.
6. Wed.. *Epiphany*. Elec. School Trustees. Christmas Vacation in Chancery ends.
8. Frid.. Last day for Township, Vill. and Town Clerks, to make return to County Clerk.
9. Sat.. County Court and Surrogate Court Term ends.
10. SUN.. *1st Sunday after Epiphany*.
11. Mon.. Election of Police Trustees in Police Villages.
15. Frid.. Treas. & Chair. of Mun. to make ret. to Bd. of Audit. School Rep. to be made to L. S.
16. Sat.. Articles, &c., to be left with Sec. Law Society.
17. SUN.. *2nd Sunday after Epiphany*.
18. Mon.. Municipalities and Munic. Councils (exc. Co.'s) and Tr. of Police Vill. to hold 1st meeting.
19. Tues.. Heir and Devisee Sitings ends.
24. SUN.. *Septuagesima*.
25. Mon.. *Conversion of St. Paul*.
26. Tues.. 1st Meeting of County Councils.
29. Frid.. Examination of Law Students for Call to Bar.
30. Sat.. Sch. Finance Report to Board of Audit. Last day for Co. and Cities to make ret. to P. S. Exam. of Art. Clerks for certif. of fitness.
31. SUN.. *Sexagesima*.

The Local Courts'

AND

MUNICIPAL GAZETTE.

JANUARY, 1869.

SUCCESSIVE SUMMONSES TO BAR STATUTE OF LIMITATIONS.

The case put by a correspondent in a former number raises a question upon which, so far as we are aware, there has been no decision in the Superior Courts. It is one not easy of solution, and County Judges have taken different views of the point.

We rather incline to the opinion that the issue of a *pluries* summons for every court would not be necessary, but that is all we can say. The 18th rule of practice for the Division Courts is evidently framed with a view to prevent the operation of the Statute of Limitations. It provides that "the ordinary summons on demand," &c., "shall be issued according to the form to these rules appended," &c., "and the issuing thereof shall be the commencement of the suit; and every summons shall be numbered to correspond with the demand or claim on which it issues, and dated as of the day on which the same was entered for suit, except in the case of *alias* or *pluries* summons, which shall be dated on the day on which it actually issues." Thus in an *alias* or *pluries* summons to connect it with the original with a view to prevent the operation of the Statute of Limitations, not only

must the demand or claim correspond, but the numbering also must agree with the original summons, though the date of issue will necessarily vary. Although the necessity of suing out a summons every court to keep a suit alive may well be questioned, it would seem indispensable that a summons should be sued out in every year, if not every six months, in analogy to the practice in the Superior Courts.

In England, a similar rule for the County Courts permits successive summonses to issue, to prevent the operation of the Statute of Limitations, and provides that "the first and each subsequent summons shall be in force for twelve calendar months from the time of issuing the same," &c., and "that it shall not be necessary that any attempt be made to serve the first or any successive summons, unless the plaintiff require the same."

It is to be regretted that our statute or rules do not contain the full provision that exists in the English County Courts upon this subject; and whenever there is a revision of the Division Court rules, the subject should not be lost sight of.

LAW REFORM ACT OF 1868.

This Act, when in the shape of a Bill, was entitled "An Act to reduce the Sittings of the County Courts and General Sessions of the Peace, to abolish Recorders' Courts, and for other purposes." The sting is in the tail. The "other purposes" seem to be some of the objects of the Act, and the result of these purposes we propose shortly to discuss. The whole thing has been done so suddenly and so little time for discussion has been given to the interested public that it is now too late to reason upon the necessity for or propriety of such a measure or combat the argument of the supporters of the bill which has, with some amendments, now become law.

The principal features of this Act are these: Recorders Courts are abolished; the Equity Jurisdiction of the County Courts is done away with; the Terms and Sittings of the County Courts (except in the County of York) are reduced to two in each year; the Courts of General Quarter Sessions, now to be called the Courts of General Sessions of the Peace, are to be held semi-annually; all issues of fact and assessments of damages in actions brought in County Courts may be tried and assessed, in the election of the plaintiff, at