

DIARY FOR JUNE.

2. Saturday EASTER TERM ends.
 3. SUNDAY Trinity Sunday.
 4. Monday Last day for notice of Trial for County Court.
 10. SUNDAY 1st Sunday after Trinity.
 12. Tuesday Quarter Sessions and County Court Sittings in each County.
 14. Thursday Sittings of Court of Error and Appeal begin.
 17. SUNDAY 2nd Sunday after Trinity.
 24. SUNDAY 3rd Sunday after Trinity.
 30. Saturday { Last day for Co. Councils finally to revise Ass'tmt Rolls, and
 for apportionment of School Monies by Chief Superintendent
 of Schools. Chief Sup'tant to report state of Grammar Schools.

IMPORTANT BUSINESS NOTICE.

Persons indebted to the Proprietors of this Journal are requested to remember that all our past due accounts have been placed in the hands of Messrs. Pullon & Ardagh, Attorneys, Barristers, for collection; and that only a prompt remittance to them will save costs.

It is with great reluctance that the Proprietors have adopted this course; but they have been compelled to do so in order to enable them to meet their current expenses, which are very heavy.

Now that the usefulness of the Journal is so generally admitted, it would not be unreasonable to expect that the Profession and Officers of the Courts would accord it a liberal support, instead of allowing themselves to be sued for their subscriptions.

TO CORRESPONDENTS—See last page.

The Upper Canada Law Journal.

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NOTICE TO SUBSCRIBERS.

As some Subscribers do not yet understand our new method of addressing the "Law Journal," we take this opportunity of giving an explanation.

The object of the system is to inform each individual Subscriber of the amount due by him to us to the end of the CURRENT year of publication.

This object is effected by printing on the wrapper of each number—
 1. The name of the Subscriber. 2. The amount in arrear. 3. The current year to the end of which the computation is made.

Thus "John Smith \$5 '60." This signifies that, at the end of the year 1860, John Smith will be indebted to us in the sum of \$5, for the current volume.

So "Henry Tompkins \$25 '60." By this is signified that, at the end of the year 1860, Henry Tompkins will be indebted to us in the sum of \$25, for 5 volumes of the "Law Journal."

Many persons take \$5 '60 to mean 5 dollars and 60 cents. This is a mistake. The "60" has reference to the year, and not to the amount represented as due.

THE EFFECT OF FOREIGN JUDGMENTS.

Our attention has been directed to a bill introduced during the recent session of the Legislature, by the Attorney-General for Upper Canada, intitled "An Act respecting foreign judgments."

Eminent judges, both of early and late years, have differed and differed widely as to the effect of a judgment when sought to be enforced in a country other than where recovered.

The question is one of international law, and the difficulties which surround it arise in great part from the different rules observed by different nations in respect to it. All men are amenable to the laws of nature, but no subject of one power not domiciled or resident within the dominions of another is in general bound by its local or municipal laws.

It is, according to Vattel, the province of every sovereignty to administer justice in all places within its own territory and under its own jurisdiction, to take cognizance of crimes committed there and of controversies that arise within it. Other nations, owing to courtesy, or as it is termed comity, respect this right, and hence in certain cases an effect may be given to a judgment beyond the confines of the sovereignty or power within which it is pronounced.

The question in this view becomes narrowed to one of degree. Is that judgment, as between the parties to it, in all places and at all times to be deemed conclusive or only *prima facie*?

Before proceeding further, let us inquire—1. What is a judgment? 2. How many kinds of judgment there are?

A judgment is the sentence of the law pronounced by a proper tribunal upon a case within its jurisdiction. Therefore the operation of every judgment must depend on the power of the Court to render that judgment, or, in other words, on its jurisdiction over the subject matter of adjudication. Judgments are of two kinds—in *rem* and *in personam*.

Where the judgment is *in rem* little difficulty is experienced. If the subject matter of the judgment be land or other immoveable property, the judgment pronounced in the *forum rei sitæ* is of universal obligation. So it would appear if the subject matter, though moveable property, be within the jurisdiction of the Court when judgment is pronounced.

Where the judgment is *in personam* it may be considered in the following aspects: whether between subjects or between foreigners, or between subjects and foreigners—whether set up by way of defence in a foreign tribunal, or sought to be enforced in that tribunal.

The person against whom a judgment is pronounced, in order to render it effectual, must be subject to the jurisdiction of the tribunal that pronounces it. This jurisdiction may be founded either in respect of the domicile of that person in the territory of the tribunal or in respect of his being possessed of some estate within it. (Burge Col. L. 3, 1016.)

No Sovereign is bound to execute any foreign judgment within his dominions, and if he do so out of comity he is at liberty to examine into its merits, and refuse to give effect to it if opposed to natural justice or otherwise unjust