

life of the period figured, and in which practically all the evils which effected the body politic and judicial, and which William Lyon Mackenzie and the other Reformers of the day battled against, were shown in a glaring light. Especially was this the case with respect to the defects in the judicial system of the Province. In order to appreciate the controversy, it is necessary to understand the procedure under which Boulton obtained the judgment, and it is difficult to explain this without being somewhat technical.

The Province at that time was divided into various Judicial Districts,—York, now Toronto, was in the Home District, and the writ of summons was issued from the Court Office at York. Randall was living in the Niagara District. Under the rules of Court if a party served with a writ of summons did not enter an appearance within the stated time, the plaintiff was required to serve a demand on the defendant for a plea. This was a request to the defendant to enter in the office from which the writ was issued, a written statement of his defence, if any, to the claim. Under the Statute creating the Court of Kings Bench, the defendant was allowed eight days after being served with the demand of plea, in which to fyle his plea, but under a rule enacted by the Judges of the Court, it was provided that if the defendant did not reside in the District where the action was brought, the demand of plea should be posted up in the office, accompanied with an affidavit, stating that the defendant's place of abode within the District was not known to the deponent, and in such case, judgment could be signed four days after the demand of plea was so posted up. This rule carried injustice upon the face of it, and it is difficult to understand why the Judges made the rule, as it clearly lacked every element of equity or fairness. If the defendant lived within the Town of York, within the precincts of the Home District, the demand of plea could be served on him, or left at his usual place of abode and he was allowed eight days to fyle his plea of defence, but if he lived in the remoter settlements, in the very eastern or western extremities of the Province, the eight days given by the Statute were arbitrarily reduced to four, and the notice instead of being left at his abode was fyled in an office, to which, from his remoteness, he could not possibly have access, and of the