COUNTY COURTS, U. C.

In the County Court of Essex.—A. Chewett, Esq., Judge.

Reynolds v. Offitt.

Title to land in question—Jurisdiction ousted.

Plaintiff Declared against Defendant, Lessee, for removing and spoiling a Tenement, &c.,* let to Defendant, and in 2nd count, for converting the materials of the building to his own use.

1st Plea.—That before removal defendant acquired the freehold of tenement by purchase.

2nd.—That before removal defendant acquired the soil by purchase on which the *tenement* was erected, and removed same after due notice to plaintiff because it encumbered defendants land and soil.

3rd.—That the building was not plaintiff's, as alleged.

Demurrer that defendants first and second pleas are bad in substances stating some matters intended to be argued—and takes issue on third plea.

The Court was of opinion that the pleas demurred to having been pleaded under the 13 sec., 8 Vic., chap. 13, with the proper affidavits did under the 5th sec. of the same Act and the 20 S. of Co. C. P. Act, 1856, bring the title to the land in question, *i. e.*, "*That* no plea whereby any title to land or to *any* thing relating to lands or Tenements (among other things) shall be brought in question, shall be received by the District Court without an affidavit thereto annexed, that such plea, &c., is not pleaded vexatiously, or for the purpose of excluding the Court from having jurisdiction, but that the same does contain matter that the defendant believes necessary to enable him to go into the merits of his case."—And that the Court was ousted of its jurisdiction as to the whole case, and could not even hear the *demurrer* which brought the soundness of the plea in question.

Mountney v. *Collier*, 16 L. & Eq. 232, and *Marsh* v. *Dewes*, 20 L. & Eq. 356, show the same, and in *Lilley* v. *Harvey*, reported in 11 *Law Times*, in Q. B., 273, the Court said where there are *special pleadings*, and the question is raised upon them as to the *title to land*; the Judge can go no farther, and in 7 U.C. Rep. 548, *Trainer* v. *Holcomb*, that when the title to land comes only *incidentally* in question, the judge must stop.

* The word *tenement* in general not only includes *land* but every modification of right concerning it, to which the law has attributed a *substantive* though *invisible* being. It has also a popular meaning signifying a *habitable building* with its appurtenances; 1 B & C, 630.

TO CORRESPONDENTS.

J. Eastwood.—Your communication is answered under title "Correspondence."

G. M.—Will find the information he asks for in Vol. I. of this Journal, p. 181.

H. T.—There are yet some copies of Vols. 1 and 2 of this Journal—for sale by Messrs. Maclear & Co., Toronto, our Publishers.

A "J. P."—The parties may, we think, lawfully compromise.

Judge C., Penetanguore.—Your letter received too late for this number, will receive attention in our next.

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No notice taken of any communication unless accompanied with the true name and address of the writer—not necessarily for publication, but as a guarantee of good faith.

We do not undertake to return rejected communications.

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Parties in arrears for the Law Journal will particularly oblige the Proprietors by remitting the amounts due to them immediately. The aggregate of the sums now outstanding and unpaid is very large, and while the prompt payment of a small debt cannot be of any moment to the individual, delay at this time very seriously affects the Proprietors of the Journal. We expect, therefore, that our friends will pay *prompt* attention to this notice.

PUBLISHERS' NOTICE.

Mr. Thomas, *of our Establishment, purports making a tour in the Western portions of the Upper Province during the present month, and will take the opportunity thus afforded of soliciting subscriptions, and making collections, for this Journal.*

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THE LAW JOURNAL.

SEPTEMBER, 1857.

THE EXPENSES OF THE ADMINISTRATION OF JUSTICE IN CRIMINAL MATTERS.

The Municipalities and their Rights in the Premises.

Previous to the year 1846, the expenses of the administration of criminal justice in Upper Canada were paid by local taxation, while in Lower Canada they were paid out of the public funds of the Province. A state of things so strangely anomalous, and at the same time so unjust towards Upper Canada, could not fail to engage public attention. Under any circumstances the General Funds of the country ought to bear all the expenses of the establishment of Courts of Justice, and the costs incurred in the prevention and punishment of crime. Every individual in the community, is entitled to the protection of the law against criminal wrong—all localities are alike interested in this particular, and none should be required to pay by local taxation for the requisite legal machinery. The fact of this principle being maintained as respected Lower Canada, and ignored as respected Upper Canada, was recognized as a special ground of injustice. Why, it was asked, should sheriffs, clerks, constables, &c. be paid in the several counties in Upper Canada by local taxation, while in Lower Canada the people are freed from taxation, and the public fund supplies the money to pay such officers. The subject we say engaged public