

Perhaps what would strike the modern practitioner most forcibly was the practice in ejectment. To anyone ignorant of the history of the English law, the old action of ejectment would seem a monument of wrongheadedness and technicality; but the history discloses that this form of action was in reality an ingenious device for doing justice without altering the old forms of law. The late Goldwin Smith was wont to remark that to expect lawyers to reform legal procedure was to expect the tiger to abolish the jungle. This gibe is repeated from time to time by those who should know better. Nothing is more false than what is suggested; all the improvements and reforms which have ever been made in legal procedure have been made by lawyers—the old technicalities were not the work of lawyers—primitive law had no lawyers.

And accordingly the action of ejectment, odd as it now seems by reason of improvements brought about by lawyers, was a distinct advance on the previous practice.

When A. is in possession of land to which B. claims to be entitled, the modern practice is for B. to issue a writ against A.; but it took many centuries for our simple and direct method to be adopted. The course pursued at the time we are speaking of was this:—

B. pretended to make a lease to John Doe, or Henry Goodtitle, or James Righteous—the name was immaterial, there was no such person—then it was pretended that John Doe, etc., went into possession of the land under the lease and that one Richard Roe, or William Badtitle, or Nicholas Badman—again the name was immaterial—and put the tenant off. Then John Doe, etc., sued for damages for trespass this Richard Roe, etc., the Casual Ejector. He might get judgment against casual ejectors by the

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a declaration and in it laying the venue, "The County of Lennox and Addington." The solicitor for the defence had been brought up in Cobourg in the United Counties of Northumberland and Durham; and he supposed that Lennox and Addington were in the same condition. He accordingly filed a special demurrer, saying that the venue should have been "The United Counties of Lennox and Addington." I had an easy triumph by referring to the Statute R.S.O. 1877, c. 5, s. 1, ss. 20, p. 22. We have had no special demurrers since the Judicature Act, and get along very comfortably without them.