

Mandamus issued out of either of the Superior Courts at the instance of the Attorney General or any private prosecutor. But the repairs and alterations are not to be made more extensive than necessity requires and the resources of the County permit.

#### PROCEEDINGS IN JUDGES' CHAMBERS.

*Cap. 22*—Provides that any one acting as a Judge of Assize or Nisi Prius may during the sittings act as a Judge in Chambers as if he were of one of the Superior Courts; and the two Chief Justices, or in their absence two Judges, may when necessary appoint either of the clerks of the Crown and Pleas, or a barrister of at least five years' standing to do such duty in Chambers.

#### ADMISSION OF ATTORNEYS.

*Cap. 23*—Is "The Attorneys Act of 1868," and provides that all persons of the classes mentioned in sub-sections 1 and 2 of section 2 of the 35th chapter of the Consolidated Statutes of Upper Canada, shall pass two examinations before the Law Society under regulation of the Benchers, one in the year next but two before their final examination, the other in the year next but one before. Persons whose indentures have not 4 years to run are dispensed from the first, and those having less than 2 years and 6 months to run, or whose indentures have been fulfilled are exempt from both examinations. If a person fails to appear for either examination on account of illness, or fails to pass, the Benchers may give him another opportunity, but not more than 9 months must elapse between any 2 of his 3 examinations. 28 Vict. cap. 21, s. 2 & 7 are amended.

#### COMMON LAW PROCEDURE.

*Cap. 24*—Amends the Common Law Procedure Act. Sec. 324 is repealed, and it is enacted that in actions of trespass, or trespass on the case where the verdict is less than \$8 the plaintiff shall recover no costs unless the Judge certify him entitled to full costs, and if that certificate be not granted defendant may set off costs against verdict or recover balance unless the Judge certify that he is not entitled to do so. In case a Division Court suit is brought in a County or Superior Court, then if the Judge certifies it a fit cause to be so withdrawn from the Lower Court, the plaintiff recovers costs of the Court in which he has brought suit. If the Judge signifies that plaintiff had reasonable cause to suppose he had the right so to withdraw his suit from the Lower Court, then plaintiff recovers the costs of the Lower Court. In case the Judge does not certify, then the plaintiff only recovers costs of the Lower Court, and the defendant may tax his full costs as between attorney and client, and set off all above Lower Court costs against plaintiff's costs and verdict. Sect. 271 is repealed, and it is enacted that in case the money made by a Sheriff under a Writ of Execution is less than the amount endorsed on the Writ, he can only claim poundage on the amount so realized, and in case of satisfaction after seizure without sale he shall have only his fees and expenses and poundage on the amount seized not exceeding the amount of the Writ, or such less sum as the Judge shall direct. In case of seizure in several counties and such satisfaction without sale, the Sheriff shall have no poundage but his fees and such reasonable allowance, when there are no fees, as the Court shall allow; the judge may reduce the Sheriff's fees and poundage whenever he shall deem them excessive (although allowed in the tariff as under the Act) on application by the party, notice having been given to the Sheriff.

#### WRITS OF EXECUTION.

*Cap. 25*—Amends the 29 and 30 Vic., c. 42. Sections 5 and 6 of that Act, and 252 of the Common Law Procedure Act are repealed, and it is enacted that a Writ of Execution against lands and tenements may issue at the same time as the Writ against goods, or at any time thereafter, but no sale shall be had under it till a return of *nulla bona* in whole or in part, is made upon the former Writ, nor within 12 months of the issue of such Writ against lands. And no such return of *nulla bona* shall be rendered by the Sheriff till all the debtor's goods and chattels in the County be exhausted. If enough is levied under the Writ against goods the plaintiff cannot have the costs of the Writ against lands,

#### OVERHOLDING TENANTS.

*Cap. 26*—Is "an Act respecting overholding tenants." It repeals the Act 27 and 28 Vict. c. 39, and enacts, when a lease, whether in writing or verbal, has been terminated by a notice to quit from the landlord or otherwise, and the tenant refuses to give up possession, the landlord may apply to the County Judge setting forth the facts on affidavit. The Judge appoints a time and place for inquiry. If it appear on such affidavit the tenant wrongfully holds without colour of right, notice thereof is served on the tenant 3 days before the date fixed, if the distance be 20 miles, and one day for each further 20. If the tenant make default, or if after summarily hearing the parties and witnesses, it appear that the tenant holds without colour of right, the Judge orders a Writ to issue in the Queen's name to the Sheriff to put the landlord in possession; otherwise he dismisses the application. The parties are competent witnesses. The proceedings form part of the County Court Records. The case may be taken up to one of the Superior Courts by certiorari on motion before the end of the second term after the issue of such Writ, and if such Court reverses the decision it may issue a Writ to restore the tenant to possession until the question of right be tried. The Superior Court may make rules respecting costs in these cases. Proceedings under this Act do not stop the landlord's recourse by action of ejectment. The provisions of this Act apply to tenancies from week to week, month by month, or year by year, or at will, as well as all others. In tenancies by the week or month, a week or a month's notice to quit is sufficient to determine the lease. Service to be made as in respect of Writs and Proceedings in actions of ejectment.

#### PURCHASE OF REVERSIONS

*Cap. 27*—Is "The purchasers of Reversions Act (1868)." In case a purchase before the Act of any reversionary interest is sought to be set aside for under value, the *onus probandi* is on the plaintiff. No purchase after the Act shall be set aside on such ground.

#### AUCTIONS OF ESTATES.

*Cap. 28*—Is "The Auctions of Estates Act." A "puffer" is a person appointed by the seller to bid on his behalf at such sale. Unless in the particulars or conditions of sale it is stated that it is subject to a reserved price, or the right of the seller to bid, the sale shall be deemed to be without reserve, and it shall not be lawful for the seller or puffer to bid, or for the auctioneer to take a bid from either of them. If the reserve is made, the seller or one puffer may bid in such manner as the seller thinks proper, but the seller may not become the purchaser.

#### AGRICULTURE, ARTS, &c.

*Cap. 29*—Is "An Act for the encouragement of Agriculture, Horticulture, and Arts and Manufactures." The Bureau of Agriculture and Arts is attached to the Department of the Commissioner of Agriculture and Public Works. The Commissioner is *ex officio* a member of the Council of the