

cution in the case is sufficient warrant to the Sheriff and the title from him after sale is good. In case of several executions all may be embraced in one application for interpleader, even though the writs have issued from different Courts. Appeal is given in all these cases to the Court of Error and Appeal. Issues of fact and assessment of damages in any County Court may be tried at *Nisi Prius* in another county upon order obtained. In the absence of the County Judge the junior County Judge has all the powers and authority that the County Judge would have. No higher costs are to be allowed, because a suit which might have been decided in chancery is brought in a Common Law Court or *vice versa*, unless on order of the Court or Judge. No proceeding is to be defeated by a formal objection, but amendments are to be permitted at any time.

#### NEW TERMS—YORK ASSIZES, &c.

There is to be hereafter an additional term in the Superior Courts of Law to be called Trinity term, to begin on the 1st Monday after the 21st August and end on Saturday of the next week. There will be a fourth Court of Assize and *Nisi Prius*, &c. in the vacation after Easter term, but before 1st July. The sittings of Assize and N. P. may be held apart from the Courts of Oyer and Terminer and General Gaol Delivery. A third Court of Assize, &c., is to be held in Wentworth in the vacation between Michaelmas and Hilary term. No J. P. or associate judge is necessary to constitute the general Sessions of the Peace, if the County Judge or junior, or deputy, is present. The County Judge may hold a Criminal Court at any time to try without a jury any offenders subject to trial, before the Sessions if they consent to be so tried. There will be a fourth Session of the Peace and of the County Court in York on the 2nd Tuesday in September. \$100 to \$600 per an. may be given as salary to the Depy. Clerks of the Crown.

#### COMMON LAW PROCEDURE.

*Cap. 9*—Amends the procedure in the Common Law Courts.

#### EVIDENCE.

*Cap. 10*—The evidence of the wife or husband of any party to a suit may be received and the giving it enforced, except that it cannot be received or enforced in cases of adultery, or enforced in case of a communication made to a wife by her husband or by a husband to his wife after marriage. In cases respecting shop and tavern licenses, assessments, &c., or any cases cognizable by J. P.—not being for crimes—such evidence may be taken and enforced. No person shall, on his unsupported evidence respecting matter occurring before the decease of a party, obtain judgment against those representing his estate after his death; nor on like evidence shall he obtain judgment against a lunatic.

*Cap. 11*—Copies of telegraph messages, letters, shipping bills, bills of lading, delivery orders, receipts, accounts and other written instruments used in business, may be given and received in evidence, after ten days' notice to the other party to examine them, if such party does not require the production and proof of the originals,—

the costs of such proof being thereupon in the discretion of the Judge.

*Cap. 12*—Authorizes the taking out of subpoenas to compel the attendance of witnesses and production of documents before arbitrators appointed by the Court, and the swearing of such witnesses. Also the taking the evidence of infirm persons at a distance or of parties absent or about to be absent from Ontario by commission, for use before such arbitrators, &c.

#### PAYMENT OF JURORS.

*Cap. 13*—Provides for the payment of special jurors, at the rate of \$2 per day's attendance and period of travel and 10 cts. per mile allowance, the amount to be deposited on the Sheriff's certificate by the party suing out the *venue*. If the trial is not had costs to be in discretion of judge.

#### COSTS IN EJECTMENT CASES.

*Cap. 14*—Provides for granting costs in ejectment cases where no appearance is filed and claimants sign judgment.

#### STAMPS ON LAW PROCEEDINGS, &c.

*Cap. 15*—Amends 27 & 28 V., cap. 5, s. 30. An officer receiving or issuing a document with a stamp may cancel the latter by writing or stamping the date on it without his name.

#### PARTITION OF REAL ESTATE.

*Cap. 16*—The notice to absentee claimants need not be in the form prescribed by 32 V., c. 33, s. 14, but may be settled by the judge in each case. It is to appear in the official *Gazette* and in a county paper for 4 weeks, and to be posted at the County Court House and School House of the section. The Judge may order sale of the property without reference to the real representative; and reference to the liens or charges may be made in the order directing payment of them out of the proceeds of sale. An Attorney or Solicitor may be appointed guardian to an infant, but no consent can be given in its behalf without permission of the Judge. Before an order binding absent or unknown persons is granted all the title deeds and a registrar's abstract of title must be submitted to the Judge. Any party found to have an interest may be brought into the proceedings at any time. The certificate of partition is to be registered in the County Registry. The deed to be executed by the real representative is to be set forth in the order for sale and conveys an indefeasible right. A guardian may be appointed to the estate of any person absent or unheard of for 3 years, who will have charge of his interests. If proof be made of such long absence as to create the presumption that the party is dead, the guardian may, under advice of the Court, deal with his estate generally. Moneys paid in under this Act or to credit of Surrogate Judge are to be deposited in the Bank into which moneys payable into Chancery are payable.

#### REGISTRATION OF TITLES.

*Cap. 17*—The proof of execution of an instrument for registration allowed under 31 V., c. 20, s. 45, in case witnesses are dead or out of the Province, is also permitted in