

## ADMINISTRATION OF JUSTICE.

thereof shall, at the request of the plaintiff, where a recovery or delivery of the property in specie is desired, direct a writ of execution to issue on the judgment commanding the defendants specifically to deliver up forthwith the property demanded, and, in case of refusal, that the defendant be arrested and detained in prison until he complies with the terms of the writ, and also that the goods and chattels of the defendant to double the value of the property in question be taken and kept until the further order of the court to insure or enforce obedience to the writ.

## COUNTY COURTS.

45. All issues of fact and assessment of damages in actions in any county court may be tried and assessed at the sittings of assize and *nisi prius* for any county other than that in which the venue is laid, upon an order being obtained for that purpose; and such order may be granted upon similar grounds to those upon which an order changing the place of trial would be granted in the Superior Courts of Common Law.

46. In no event shall any master, clerk, or other taxing officer, tax or allow to any party suing for an equitable right at law, or for a legal right in equity, nor shall such party be entitled to recover by reason thereof, any further or additional costs than would have been taxed, or allowed, or recoverable if the equitable right had been sued for in equity, or the legal right had been sued for at law; and the opposite party shall be entitled, without any order for that purpose, to set off against the costs of the party suing as aforesaid, the additional costs, if any, incurred by such opposite party, through the change of jurisdiction.

## INFORMALITIES AND AMENDMENTS.

47. No proceeding either at law or in equity shall be defeated by any formal objection.

48. [Amendments may be made at any time or in any manner to secure justice.]

49. [Powers to the judges to make general rules and orders.]

50. [A fourth court of assize, &c., in the County of York to be held between Easter term and 1st of July.]

51. The sittings of the Courts of Assize and *Nisi Prius* in the County of York may, in the discretion of the said chief justices and judges of the Superior Court of Common Law, be held separate and apart from the Courts of Oyer and Terminer and General Gaol Delivery in the said

County, and either on the same or on a different day.

52. [In County of Wentworth a third court of assize, &c., to be held between Michaelmas and Hilary terms.]

53. When the judge of the county court, or the junior or the deputy judge (as the case may be) officiating in the office of county court judge is present, it shall not be necessary, in order to constitute a court or sittings of the general sessions of the peace, or a quorum at any sittings thereof, that any associate or other justice of the peace should be present at such court or sittings.

54. The judge of every county court, or the junior or deputy judge thereof, authorized to act as chairman of the general sessions of the peace for any county, is constituted a court of record for the trial, out of sessions and without a jury, of any persons committed to gaol on a charge of being guilty of any offence for which such person may be tried at a court of general sessions of the peace, and for which the person so committed consents to be tried out of sessions, and without a jury; and the court so constituted shall have the powers and duties which the Act passed in the session of the Parliament of Canada held in the thirty-second and thirty-third years of Her Majesty's reign, and chaptered thirty-five, purports to give, so far as the Legislature of this Province can give the same; and every judgment, proceeding, cost, matter, or thing had or done under or by virtue of the said Act, shall hereafter be held to be as valid as if the said Act had been an Act of the Legislature of this Province.

55. The court constituted by the preceding section shall be called "The County Judge's Criminal Court" of the county in which the same is held.

56. [Fourth sittings of County Court and General Sessions to be held in County of York on 2nd Tuesday in September.]

57. It shall not be necessary, in any proceedings, to make a judge's order for the payment of costs a rule of court, but writs of execution may be issued, in pursuance of the said order, in the same manner, and shall have the same force and effect as if the same had been issued in pursuance of a rule of court.

58. Section 127 of the Common Law Procedure Act is hereby repealed.

59. This Act may be cited as "The Administration of Justice Act of 1873."