in his published decisions. No decisions commanded more respect. No judge commanded more confidence. His intellect was a sound one. It was not what the world calls brilliant. It did not shine with the lustre of the polished diamond. It was not a polished, but a rough diamond, though none the less valuable on that account. He had not, owing to the circumstances of this country at the time he was educated, the advantages of a university education. His intellect, strong by nature, did not receive that polish which the higher branches of education imparts. He, however, at all times acquitted himself with singular success. No flights of oratory characterized his addresses to the jury; but steady plain spoken practical sense predominated in all that he said. His intellect certainly was not acute. He was at times a little slow to apprehend, but for this, compensation was afforded in the fact that his decisions were at all times well considered and well delivered. The moment he made himself master of an argumant, his mind saw its way to a logical conclusion. His conclusions were more than once upheld in appeal, even in cases where he had the misfortune to differ from the rest of the Court. He has left behind him, in the published series of our Queen's Bench reports, judgments that will so long as law is administered in Upper Canada be regarded as masterpieces of learning.

He was at all times courteous to the bar. He never forgot the gentleman in the exercise of his high functions as a judge. He seemed to know and to feel that judicial success in a great measure depends upon mutual respect between the bench and the bar. He in consequence at all times received the cheerful support of the bar. Exalted as was his position, he did not hesitate to mingle with the law students, to preside at their debates, to read essays to them, and do all in his power to stimulate them to exertion in the pursuit of their profession. His condescension in this respect was very remarkable. The students appreciated it. Year after year he was elected president of the Osgoode Club. This was the only acknowledgment which the students could offer for his acceptance, and that acknowledgment was heartily made and as heartily received.

He is no more. His memory, however, will ever be cherished with feelings of endearment. His life was an example worthy of imitation—an example of industry to the student, of learning to the barrister, of integrity to the judge, of simplicity and honesty to all men. His family has lost a kind and affectionate father. His court has lost an able and experienced judge. His country has lost a sincerely good and upright man, who adorned every station of life in which he was called upon to act. In a word, he was an honest man—an able man—an upright judge.

## TRIAL BY JURY.

It is in the interest of the administration of justice both criminal and civil, that juries should, if possible, agree. But it is not necessary that the agreement should be forced upon them contrary to the free exercise of reason—it is not necessary that mind should be so far subjected to matter that physical endurance should usurp the place of mental exercise. The right of the judge to discharge the jury without consent of parties is at all times a subject of doubt. The right in some cases does exist, but even in those cases the propriety of exercising the right may be open to grave doubts. The law on this subject has recently undergone much discussion in *Reg.* v. *Charlesworth*, decided by the English Court of Queen's Bench at the sittings after Trinity Term last. The case is one of great interest and is a display of great learning. For this reason we have given it entire in other columns. We make no apology for its insertion. It will well repay a perusal, and be found at all times a most useful repository of learning on a recondite branch of law.

## NEW CHANCERY ORDERS.

10th JANUARY, 1863.

### RE-HEARINGS.

I. From and after the first day of April next, all re-hearings of causes are to be within six months after the decree or decreetal order shall have been passed and entered; and applications in the nature of re-hearings to discharge or vary orders made in Court, not being decreetal orders, are to be within four months of the passing and entering of the same; or within such further time as the Court or any Judge thereof may allow upon special grounds therefor, shown to the satisaction of the Court or Judge.

### HEARINGS.

II. Causes are to be heard at the same time that the witnesses are examined upon the close of such examination. No evidence to be used on the hearing of a cause is to be taken before any examiner or officer of the Court, unless by the order first had of the Court or a Judge thereof, upon special grounds adduced for that purpose.

III. When the examination of witnesses before a Judge is to be had in any town or place, other than that in which the pleadings in the cause are filed, it shall be the duty of the party setting down the cause for such examination, to deliver to the Registrar or Deputy Registrar with whom the pleadings are filed, a sufficient time before the day fixed for such examination, a præcipe requiring him to transmit to the Registrar or Deputy Registrar, at the place where such examination of witnesses is to be had, the pleadings in the cause; and at the same time to deposit with him a sufficient sum to cover the expense of transmitting or re-transmitting such pleadings; and thereupon it shall be the duty of such Registrar or Deputy Registrar forthwith to transmit the pleadings accordingly.

The fee payable to the Deputy Registrar for setting down causes under the foregoing order is to be two pounds.