

LAW REFORM ACT OF 1868.

ting in the Courts of Assize and *Nisi prius*, where cases brought in any County Court shall be tried or assessed under this Act, may enter their notes of such trials and assessments; which books, immediately after such trials or assessments, shall be returned to and remain in, the offices of such Clerks.

(7.) On the application of any of the parties, the County Court Clerks shall, at the cost of such party, forward to the Clerk of the Crown and Pleas at Toronto of such of the Superior Courts as such party shall designate, a certified copy of the Judge's notes of the trial or assessment of any such cases, together with the record and exhibits, to enable such Superior Court properly to dispose of any application made, or to be made in or respecting such cases.

(8.) The costs on all such proceedings in the said several Courts, shall be the usual cost of such cases in the Court in which the action is brought.

18. In amendment of the second section of of chapter thirty-one of the Consolidated Statutes of Upper Canada, entitled *An Act respecting Jurors and Juries*, it is enacted:—

(1.) That all issues of fact in any civil action when brought in either of the Superior Courts of Common Law, or in any of the County Courts in Ontario, and every assessment or enquiry of damages in every such action, may, and in the absence of such notice as in the next sub-section mentioned, shall be heard, tried and assessed by a Judge of the said Courts, without the intervention of a Jury;

(2.) Provided that if any one or more of the parties requires such issue to be tried or damages to be assessed or enquired of by a Jury, he shall give notice to the Court in which such action is pending, and to the opposite party, a notice in writing to the effect following, that is to say:—

“The Plaintiff (or one or more of them) or the Defendant or one or more of them as the case may be, requires that the issues in this cause be tried, (or the damages assessed) by a Jury, and a copy of such notice shall be attached to the record.” (*Sic.*)

(3.) That the verdict or finding of the Judge by whom any such issue shall be tried or damages assessed, shall have the like effect, as the verdict or finding of a jury, and the like fees and charges shall be payable in respect of the same: Provided that the parties shall be entitled to move against such verdict or finding by motion for non-suit, new trial or otherwise, within the same time, and on the same grounds (including objections against the sufficiency or the erroneous view taken of the evidence) as allowed in cases of trial or assessment by a jury.

(4.) That whenever any one or more of the parties to any such action shall have given such notice, requiring a jury as hereinbefore provided, the cause shall be carried down to trial in the same manner and with the like effect as if this section had not been passed;

Provided always, that it shall be competent for the parties present at the trial to consent that the said notice shall be waived, and the case tried or damages assessed by the Judge, and to endorse a memorandum of such consent upon the record, and thereupon the said Judge shall proceed to the trial of the issues or assessment of the damages without the intervention of a jury.

(5.) Provided always, that it shall be competent for the Judge in his discretion to direct, that notwithstanding anything hereinbefore contained, any such action shall be tried or the damages assessed by a jury.

19. Sections ten, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, and one hundred and thirty-seven of the said Act, entitled *An Act respecting Jurors and Juries*, are hereby repealed.

20. Section fifty-one of the said Act as amended by the Act passed in the twenty-sixth year of Her Majesty's Reign, chapter forty-four, entitled “An Act to amend the Consolidated Act of Upper Canada intituled An Act respecting Jurors and Juries,” is hereby further amended by inserting next after the words “Deputy Sheriff of the County” in the fifth section of said last mentioned Act, the words “and the Junior Judge of the County Court, and the Mayor of any City situate in such county.”

21. The words “The Governor” in section fifty-eight of the said Act, shall be held to mean “The Lieutenant-Governor of this Province,” and the words “The Official Gazette of the Province” and “The Gazette” in the said section, shall be held to mean “The Ontario Gazette.”

CITY OF TORONTO RE-UNITED TO THE COUNTY OF YORK.

22. Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, and fifteen of the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, chapter fifty-three, entitled “An Act to provide for the separation of the City of Toronto from the United Counties of York and Peel for certain judicial purposes,” and also the Act passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-four, entitled “An Act to explain the Act to provide for the separation of the City of Toronto from the United Counties of York and Peel,” are hereby repealed from the time this Act shall take effect; and the City of Toronto shall thenceforth, for judicial purposes, be re-united to, and be part of County of York.

2. All recognizances conditioned that any person, whether as witness, prosecutor, defendant or otherwise, shall appear at any Recorder's Court of any City, to be held next after the time this Act shall take effect, shall be obligatory to compel the appearance of such