

LAW REFORM ACT OF 1868.

the words "Judge of the County Court" for the words "Recorder of the City," and the words "Judge of the said County Court" for the word "Recorder," wherever they respectively occur throughout the said section.

13. In lieu of section three hundred and eighty-seven of the said Act, it is hereby enacted, that in any prosecution, suit, action or proceeding in any civil matter to which a corporation is a party, no ratepayer, member, officer, or servant of the corporation shall, on account of his being such, be incompetent as a witness; but they and every of them, shall be liable to challenge as a juror, except where the Municipal Corporation, the party to such prosecution, suit, action or proceeding, be a County.

14. From the time this Act shall take effect all indictments, suits, proceedings and matters then pending, or commenced in any of the said Recorders' Courts, and not tried and finally determined, ended and completed, shall appertain and be transferred to the several Courts of General Sessions of the Peace of the respective Counties in which the said Cities are respectively situate, and the said Courts of General Sessions of the Peace shall have full jurisdiction and cognizance of all such indictments, proceedings and matters, and all such indictments, proceedings and matters shall be tried, proceeded with, conducted, done, performed and completed in and by the said last mentioned Courts, as if such indictments, proceedings, and matters had originated in or been pending therein.

15. In amendment of the three hundred and ninety-fourth section of the said last mentioned Act, respecting the Municipal Institutions of Upper Canada, it is hereby enacted that the Board of Police in every City shall consist of the Mayor, the Judge of the County Court of the County in which the City is situate, and the Police Magistrate, and if there be no Police Magistrate, the Council of the City shall appoint a person resident therein, to be a member of the Board of Police of such City.

16. After this Act shall take effect, the several powers, duties, matters and things which theretofore appertained to or were authorized, or required to be exercised, done or performed in or by the said Recorders' Courts respectively, are hereby transferred, and shall appertain to and be exercised, done and performed by the Courts of General Sessions of the Peace of the Counties in which the said Cities are respectively situate, and the several duties, powers, acts, matters and things theretofore authorized, or required to be exercised, done or performed by the said Recorders, shall thenceforth be exercised, done and performed by the Judges of the County Courts of said respective Counties.

TRIALS AND ASSESSMENTS.

17. All issues of fact and assessment of damages in the Superior Courts of common law relating to debt, covenant and contract,

where the amount is liquidated or ascertained by the signature of the defendant, may be tried and assessed in the County Court of the County where the *venue* is laid, if the plaintiff desire it, unless a Judge of such Superior Court shall otherwise order, and upon such terms as he may deem meet, in which case, an entry shall be made in the issue and subsequent proceedings in words, or to the effect of Form A in the schedule to this Act, in place of the *venire facias*; and in the roll the *postea* shall be entered in words, to the effect of Form B in said schedule.

(2.) All issues of fact and assessments of damages in actions in any County Court, may be tried and assessed, at the election of the plaintiff, at any sittings of Assize and *Nisi Prius* for the County in which the *venue* is laid; without any order for that purpose, in which case an entry shall be made in the issue and subsequent proceedings in words, or to the effect of the Form C in the said schedule, and in the roll the *postea* shall be entered in words, or to the effect of Form D. in said schedule.

(3.) In any of the said cases, the notice of trial or assessment shall state that the cause will be tried, or the damages assessed at such sittings according to the fact; and in cases in the Superior Courts where the trial or assessment is intended to be had in the County Court, the issue shall be delivered, and the notice of trial or assessment served, ten clear days before the sittings of such County Court; Provided always, that nothing herein contained shall prevent a Judge of the Court in which the action is brought, or after the record is entered for trial or assessment, the Judge before whom the trial or assessment is intended to be had, from entertaining applications to postpone such trials or assessments.

(4.) Subject to the provisions herein contained, the record shall be made up, and entered and tried as in other cases; and in any of the said cases judgment may be entered on the fifth day after verdict rendered or damages assessed, unless the Judge who tried the cause shall certify, on the record under his hand, that the case is one which, in his opinion, should stand to abide the result of a motion that may be made therein in term, or unless a Judge of one of the Superior Courts shall otherwise order: Provided always, that in any such case the Judge may certify for immediate execution.

(5.) Any motion to be made in respect to any verdict or assessment of damages in any County Court, tried or assessed at any sittings of Assize and *Nisi prius*, shall be made, heard and determined in the Superior Court of Law at Toronto, which the party moving or applying shall elect, and according to the practice of that Court; and any rule or order made in such cause by such Court shall be valid and binding.

(6.) The Clerks of the several County Courts shall provide books in which the Judges sit-