

## THE BENCHERS BILL.

tary of the said society shall draw by chance from such ballot box in the presence of the said scrutineers one or more of such papers sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be such benchers.

The persons so elected Benchers as aforesaid shall take office on the first day of Easter Term following their election, and shall hold office until the beginning of the Easter Term which shall be the fifth after they shall have entered on their said office, or till the election of their successors."

It has also been decided in committee that Benchers who shall be absent from Convocation for one year shall lose their seats.

By the Bill as introduced the County Judges were returning officers for the country districts, and this might have been thought to have rendered them ineligible as Benchers, but if that is all to be done away with, no such idea can arise, and so much the better, as there are some among them, take for example the Chairman and members of the Board of County Judges, who would make admirable Benchers. Hitherto it has not been the habit to appoint any of the County Judges, but with no sufficient reason that we can see, in fact there is much to be said in favor of appointing those of them who may be considered most eligible, and when this Act comes into force, which is now a foregone conclusion, we shall hope to see some of them elected.

The following is the Act introduced by Mr. Rykert to amend the Act to regulate the procedure of the Superior Courts of Common Law, and of the County Courts, as reprinted after the amendments made by the Special Committee:—

Her Majesty, &c., enacts as follows:

1. That sections one hundred and ten, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, and one hundred and thirty, of chapter twenty-two of the Consolidated Statutes of Upper Canada, be and the same are hereby repealed.

2. That the costs of any issue, either of fact or of law, shall follow the finding or judgment on such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues, unless the judge at the trial shall certify to the contrary.

3. That in all actions brought in any of the County Courts of this Province, it shall be lawful for the Judge of the County Court where the proceedings are commenced, to change the venue according to the practice

now in force in the Superior Courts; and in the event of an order being obtained for that purpose, the clerk of the County Court where the action was commenced shall forthwith transmit all papers in the cause to the clerk of the county to which the venue is changed, and all subsequent proceedings shall be entered and carried on in said last mentioned county as if the proceeding had originally been commenced in such last mentioned court.

4. That section one hundred and nine be amended by adding to the end thereof the following: "Provided always that the Judge of the County Court shall have the power to grant such leave in cases brought in either of the Superior Courts when both the plaintiff's and defendant's attorney reside in the county where such action is commenced.

5. That section one hundred and twenty-nine be amended by adding to the end thereof the following words, "but this shall not apply to any action wherein the venue is laid in the County of York."

6. That in all actions of replevin the Judge of the County Court of the County where the goods are, which are sought to be replevied (excepting the County of York), shall have the power of issuing the order in the same manner as by law the Judges of the Superior Courts are empowered to issue the same.

7. That if any debtor in execution shall escape out of legal custody after the passing of this Act, the Sheriff, Bailiff, or other person having the custody of such debtor, shall be liable only to an action upon the case for damages sustained by the person or persons at whose suit such debtor was taken or imprisoned, and shall not be liable to any action for debt in consequence of such escape.

8. That it shall and may be lawful to plead any number of pleas, replications, avowries, cognizances or other pleadings without leave of the Court or a Judge; Provided always, that the opposite party shall be at liberty to apply to the Court or a Judge to disallow any plea upon the ground of embarrassment, or delay.

9. That the Judge at any trial shall at the request of either party cause the witnesses to be removed from the Court during such trial; and also the parties to the suit if in the discretion of the Judge it is deemed necessary; and any such witness who shall return to the Court without leave shall be liable to be punished in such manner as to the said Judge may seem proper; Provided always that the said Judge may in his discretion exclude the testimony of any witness who shall return to the Court without leave of the Judge.

10. In any case where on the trial leave is reserved to move to enter a non-suit, or to enter a verdict for the defendant, and the jury disagree and find no verdict, the court, on motion in Term pursuant to such leave, may give the same judgment as if a verdict had been found for the plaintiff.

11. Every writ of summons issued against a railway, telegraph, or express corporation,