by the rule. Where, therefore, an order to enforce an award, though the submission was made a rule of court, and the award did not direct the payment of money, a rule to set aside execution issued on such a rule was made absolute, with costs.

Niagara and Detroit Rivers Railway Company v. *Burkholder.*—Rule *nisi* discharged, without costs. Point decided same as in last case.

ADDRESS

OF HIS HONOR, JUDGE McKENZIE, TO THE GRAND JURY OF UNITED COUNTIES OF FRONTENAC, LENNOX AND ADDINGTON.

On former occasions I directed your attention of the Grand Inquest and of the public, to any changes or alterations effected in the criminal law, and in the administration of justice in general in Sessions of Parliament immediately preceding sittings of the Court. I do not find that any material alteration has been made in the criminal law of the country in the Session of Parliament which recently closed, but changes have been made in the law in reference to civil rights and the authority of the courts of law in Upper Canada. The law which authorized the bringing of suits within the competence of the County Courts in what was termed the "Inferior jurisdiction" of the Superior Courts, has been unconditionally repealed; and very properly so. The consequence of the abrogation of this law is that all suits and actions within the competence of the County Court will require to be brought and prosecuted in that Court itself; and no causes or suits instituted in the County Court shall be removed from such County Court by writ of *certiorari* or otherwise into the Superior Courts of Common Law, unless the debt or damages claimed amount to upwards of one hundred dollars, and then only on affidavit and by leave of a Judge of one of the Superior Courts in cases which shall appear to the Judge fit to be tried in one of the Superior Courts, and upon such terms as to payment of costs, giving security for debt and costs, or such other terms as he shall think fit.

And for the future, in any action depending in any of Her Majesty's Superior Courts of Common Law in Upper Canada, in which the amount of the demand is ascertained by the signature of the party, and in any action for any debt in which a Judge of either of the Superior Courts shall be satisfied that the case may safely be tried in the County Court, any Judge of the Superior Courts may order that such case may be tried in the County Court of the County where such action was commenced, and such action shall be tried there accordingly, and the record shall be made up as in other cases, and the trial shall take place in such County Court in the same way as ordinary cases are tried therein.

The jurisdiction of the County Courts has also been extended to actions of ejectment in certain cases. The several County Courts in Upper Canada shall have jurisdiction to try actions of ejectment for the recovery of the possession of property where the yearly value of the premises, or the rent payable in respect thereof, does not exceed two hundred dollars, in cases where the term and interest of the tenant of such property shall have expired, or been determined by the landlord or tenant by a legal notice to quit, and where rent shall be sixty days in arrear, and the landlord shall have right by law to re-enter for non-payment thereof.

The law of Replevin has also been amended and materially improved. For the future no writ of Replevin shall issue unless an order is granted for the writ, on an affidavit, by the person claiming the property, or some other person showing to the satisfaction of the Court or Judge, the facts of the wrongful taking or detention which is complained of, as well as the value and description of the property, and that the person claiming it is the owner thereof, or is lawfully entitled to the possession thereof (as the case may be).

Or unless the affidavit for the writ states in addition to what is required by the fourth section of the former Act relating to Replevin, that the property was wrongfully taken out of the possession of the claimant, or was fraudently got out of his possession within two calendar months next before the making of the affidavit, and that the deponent is advised and believes that the claimant is entitled to an order for the writ, and that there is good reason to apprehend that unless the writ is issued without waiting for an order, the delay would materially prejudice the just rights of the claimant in respect to the property.

Or in case the property was distrained for rent or damage feasant the writ of Replevin may issue without an order if the affidavit states in addition to what is required by the former law, that the property was distrained and taken under color of a distress for rent or damage feasant.

In case the writ issue without an order from the Judge, the Sheriff shall take and detain the property, and not replevy the same to the claimant without an order from the Judge of the Court, but may, within fourteen days of taking the same, re deliver it to the defendant, unless in the meantime the claimant obtains and serves on the Sheriff a rule or order directing a different disposition of the property. When the application for an order is made the Court or Judge may proceed on the *ex parte* application of the claimant, or may grant a rule or order on the defendant to show cause against the issuing of the writ.

In case the writ of Replevin is issued whether with or without an order, the defendant may at any time apply to the Court or Judge on affidavit or otherwise, for the discharge of the writ and order, and for such other relief, with respect to the return, safety, or sale of the property or any part of it; or, otherwise, as under all the circumstances in evidence appears just.

When the value of the property taken, or detained, does not exceed the sum of forty dollars, the writ of Replevin may issue from the Division Court, for the division within which the defendant resides, or, where the property has been distrained, taken or detained; and, for the future, it shall not be lawful to replevy or take out of the custody of any Bailiff, any personal property, seized by him, under any process issued out of a Division Court in Upper Canada.

Another law of a very curious character, was passed in the last Session of Parliament—namely, the Act passed to exempt certain articles from seizure in satisfaction of Debts. The following chattels are, for the future, exempt from seizure, under any writ, issued out of any Court whatever in this Province, namely:—The bed, bedding and bedsteads in ordinary use by the debtor and his family; the necessary and ordinary wearing apparel of the debtor and his family; one stove and pipes, one crane and its appendages, one pair of and-irons, one set of cooking utensils, one pair of tongs and shovel, one table, six chairs, six knives, six forks, six plates, six tea cups, six saucers, one sugar basin, one milk jug, one tea pot, six spoons, all spinning wheels and weaving looms in domestic use., and ten volumes of books, one axe, on saw, one gun, six traps and such fishing nets and seines as are in common use, all necessary fuel, meat, fish, flour and vegetables, actually provided for family use, not more than sufficient for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value forty dollars, one cow, four sheep, two hogs, and food thereof for thirty days, tools and implements of, or chattels ordinarily used in the debtors occupation, to the value of sixty dollars. The Debtor, under this Act, may select, out of any large number, the several chattels exempt from seizure.

The law, respecting Foreign Judgments and Decrees, has been amended, and placed upon a sensible footing. In any suit which may, hereafter be brought upon a Foreign Judgment or Decree, any defence set up, or that might have been set up, to the original suit, may be pleaded to the suit on the