

LEGAL LEGISLATION.

out regard to the divisions in which the actions are pending.

4. The re-distribution of offices in Toronto, so as to secure that all proceedings in an action from writ to judgment shall be taken in one office, viz., the Records and Writs Office.

5. The abolition of the office of Judgment Clerk, and the provision for giving Deputy Registrars the same power of settling minutes of judgment as are possessed by the Registrar, subject to the right to move to vary the minutes.

6. The abolition of writs for the execution of extraordinary remedies and the substitution of orders therefor.

7. The abolition of references to arbitration, the same object being secured by reference to Referees, and consequent thereupon the substitution of appeal from Referees' reports of the same nature as appeals from Masters' reports, for motions against awards.

The old act respecting arbitrations, making submissions rules of court, etc., has been inserted in the new Revised Statute, but it is hoped that upon approval of these rules, this act will be repealed.

8. Provision that all motions which require to be set down shall be set down in the Registrar's office.

9. The abolition of Orders *nisi* and summonses. A rule has also been drawn providing that it shall not be necessary to move separately against the findings of a jury and the judgment thereon, but that a motion against the judgment alone shall be sufficient.

10. Provision that every judgment shall be drawn up, signed and entered, as a decree formerly was.

11. The old Chancery Rules as to setting down demurrers and amending pleadings which have been demurred to, have been substituted for the rules of the Judicature Act.

12. The amendment of the rules in such other respects as are necessary to secure uniformity of practice in all cases, and the exercise of jurisdiction by all the Judges of the High Court without regard to the divisions to which they are attached, or to the divisions in which the actions are pending.

13. Provision that payment into court by a defendant with his defence be simplified, by requiring the money to remain in court subject to order, unless the plaintiff take it out in satisfaction of the very cause of action or matter for which it was paid in.

14. Provision that the order for delivery and taxation of a solicitor's bill follow the old Chancery practice, according to which one order contained directions to deliver, tax, take accounts and

pay over balance. Provision has also been made that when a party secondarily liable on a bill applies for taxation and it appears that he is precluded by payment having been made by the party primarily liable the matter may be referred summarily for the taking of the accounts without the necessity of an action.

15. A rule has been drawn providing that unless the incorporation of a plaintiff corporation is specifically denied by the pleading, it shall not be necessary to prove it.

16. The making a clear distinction between defence and counterclaim.

17. The reduction of the several modes of securing the attendance of a party or witness for examination or cross-examination before trial to one method, viz., by subpoena and appointment.

18. The extension of the right to cross-examine on an affidavit on production to all deponents instead of restricting it to officers of corporations.

19. A rule has been drawn providing that special cases may be stated in every proceeding, and not only in actions.

20. Provision that execution is to issue forthwith upon judgment by default.

21. A general rule has been drawn, providing that whenever security for costs or for prosecuting any proceeding is required, the party to give security may pay money into court in lieu of giving a bond.

22. As to absconding debtors, the Act has been inserted in the new Revised Statutes, and this prevents this scheme from being carried out in its entirety. Rules have been drawn in accordance with the scheme of the Committee, by which an order for attaching the goods of an absconding debtor may be issued; when once the goods have been attached it shall not be necessary to issue another order, but all parties who come in and prove their claims in the action within six months shall be entitled to share in the proceeds. These rules will remain in suspense until the meeting of the Legislature, whereupon the Absconding Debtors' Act may be repealed in so far as it deals with procedure.

23. Rules have also been prepared assimilating the practice in proceedings in the nature of *quo warranto* to those of an ordinary motion, which will also remain in suspense until confirmed by the Legislature.

In addition to the foregoing matters, which have been embodied in draft rules, the committee have made the following suggestions:

1. That a Rules Committee, consisting of the Chief Justices, the Chancellor, and the Attorney-General, and such of the Judges as may be chosen