

practice of the Court, but provided that in matters not dealt with the practice of the courts consolidated, that was most convenient should be followed. This brought about much confusion, as standards of convenience differed; and in 1888 a revision of the rules took place, when an endeavour was made to formulate a complete code of practice. To the rules originally introduced from England were added others having an English origin, and many of our former Chancery orders and common law rules; but throughout this revision there were many provisions that the practice should be as in the 'Court of Chancery prior to the Judicature Act.'

"In 1897, the rules were again revised. Many of these allusions to former practice were eliminated, and much was done to remove difficulties that had developed in the working of the former rules; yet the composite origin of the system was plainly apparent, and there remained a lack of uniformity of expression arising from this. In many cases, also, there was an overlapping of provisions adopted from different sources, which occasioned obscurity and confusion.

"In the present revision my endeavour has been to complete the assimilation thus begun, and the elimination of references to former practice. Comparatively few of those now engaged in practice had any experience before the Judicature Act, and any allusions to the practice, either at law or in equity, prior to 1881, are to the majority meaningless, and the occasion of needless research.

"Many of the rules which contained no express reference to any prior practice were originally prepared for the purpose of modifying the practice then existing, and are only to be understood in the light of the situation at the time they were enacted. These provisions are frequently negative in form, and amount to no more than the repeal of former rules, or, more frequently, the annulling of a practice that had grown up apart from any express enactments.

"Many other rules had their origin in an attempt to meet some particular difficulty, and have now become unnecessary by reason of some more far-reaching change in the practice or in general law.