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THE MAKING OF RULES OF COURT.

The making of Rules of Court is generally supposed to be a somewhat formal proceeding, something like making an Act of Parliament on a small scale. In fact, Rules of Court derive their force and efficacy from Acts of Parliament by virtue of which they are made; and therefore have a statutory effect. But like many other things about which there is a halo of sanctity in the popular imagination, the making of Rules of Court would appear to be now really one of the most informal proceedings it is possible to conceive, judging by the results. Not having the entree of the judicial chambers, we are of course unable to speak with the positiveness of an eye-witness of the scene, but with a reasonably vivid imagination it is not difficult to supply the details of judicial law making.

It is well known that lawyers as a general rule, so far as their own business is concerned, are most inexact. There is the memorable instance of the Lord Chancellor who published books, pointing out to the public the necessity of depositing their wills in a place of safety, and yet, as a matter of fact, on his death his own will could nowhere be found; and its existence, and its contents had to be proved by the oral testimony of his daughter. There is also the memorable incident of another Lord Chancellor, who would never advise himself on a point of law without first transferring a guinea from one pocket to another. This attitude of mind of the legal profession is too well known to be necessary to dwell upon, but when it comes to a body of judges making Rules of Court, it is necessary to take account of it. People who do not take account of this idiosyncrasy of the legal profession picture to themselves the whole body of judges seated round a table in solemn conclave, and suppose that any rule, or amendment of an existing rule, is brought up and debated with all the solemnity