

(2) Except in cases of libel and slander, the right to a jury shall be held to be abandoned, and the case shall be tried without a jury, unless a jury fee of twenty-five dollars in law stamps be paid to the prothonotary or deputy clerk of the Crown and Pleas. The officer shall require payment of such fee before entering the case.

(b) Subject to the provisions of this section, all actions, causes, matters and issues, shall be tried by a judge without a jury, unless otherwise ordered by a judge.

50. Notwithstanding anything in the next preceding section contained, a judge presiding at a trial may, in his discretion, direct that the action or issues shall be tried, or the damages assessed, by a jury. O.J.A., s. 80.

This is quite a change in the practice that has obtained during the last few years, when it has been difficult to get a jury trial except in actions for libel and slander.

Rules 413 and 414 of the Act, which are of greater scope than the Ontario Rules, are as follows:

"Where any application is made, either under the provisions of this Act or under any other law or statute, to the court, or a judge, or to a local judge or referee, and it appears that the material upon which the said application is made is defective and insufficient in substance or in form, if it appears to the court, judge, local judge or referee, from statements of counsel or otherwise, that such material can be perfected by the applicant within a reasonable time, the application shall not be dismissed on account of such defective or insufficient material, but the applicant may be given leave to perfect such material upon payment of the costs occasioned to the opposing party by his additional attendance."

"Upon an application to the court or judge to set aside or vacate any rule or order on account of the same having been obtained upon defective or insufficient material, the party who has obtained such rule or order shall be allowed a reasonable time to perfect the material upon which such rule or order was obtained by filing additional material."

One effect of the Act will be to encourage assignments by traders for the benefit of their creditors, as "snap" or preferential judgments are practically done away with, and there will be less, if any, necessity for a bankruptcy Act hereafter in Manitoba.