

CONSOLIDATED GENERAL ORDERS OF THE COURT OF CHANCERY.

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THE PRESIDENT OF COURT OF APPEAL.

We make space at the last moment of going to press, to state, that Hon. W. H. Draper, C.B., having resigned his seat, as Chief Justice of Upper Canada, has been gazetted President of the Court of Error and Appeal.

It is understood that the Chief Justice of the Common Pleas takes his place.

CONSOLIDATED GENERAL ORDERS OF THE COURT OF CHANCERY.

Now that a sufficient time has elapsed since the promulgation of these orders, and the tariff of fees and charges, to enable practitioners to judge of the merits of the work by the test of practical experience of their efficiency, it may not be amiss briefly to enquire how far a work of this kind was necessary, and how far the end it was designed to accomplish has been attained.

Of its necessity, no practitioner who has had any experience of the state of things just previous to the issuing of these consolidated orders can entertain a reasonable doubt. Since the last partial consolidation in 1853, many alterations and additions had been made by subsequent orders, promulgated as the necessities of the business of the Court required. The large and steady increase of business in the Court, the progress of more enlightened views respecting procedure, the determination of the judges to expedite the final disposal of causes, and take away the reproach of unnecessary delays to suitors, which, whether well or ill founded, was constantly directed against the Court, and the action of the Legislature in from time to time conferring new jurisdiction—all these circumstances combined (or appeared to do so) to render necessary the repeated issue of fresh orders; and certainly cannot be said that any such necessity ever passed unheeded, for the fertility of resource and untiring energy of the learned judges of the Court seemed equal to any emergency in providing for the settlement of "new points." The occasion for further directions in matters of practice and

procedure appeared to be so constantly arising, that the practitioner at length came to expect a new "batch" every month, with nearly the same certainty as he might expect his number of the *Law Journal*. Not only were wholly new orders promulgated—as under the "Act for quieting Titles"—but many old ones were abrogated in whole or in part, emendations and alterations were made in others, while some, though neither abrogated nor altered, had become practically obsolete.

Such a condition of things could not but prove more or less perplexing to all. Judges, practitioners and suitors alike were reduced to a state of rather bewildering uncertainty as to what were and what were not existing orders. For remedy a revision and consolidation was proposed, and has been carried into effect. The chief part of the work was, we believe, entrusted to the Judges' Secretary, whose well-known ability, practical experience and industry well fitted him for the task; but the whole work was, we understand, from time to time submitted to, and received a careful supervision from the Judges before it was given to the professional public.

It was to be expected, of course, that in a work of some considerable magnitude, where a great deal of old matter had to be got rid of, and a good deal of new introduced, without at the same time trenching any more than was absolutely necessary upon long established rules of practice, or unsettling well-considered decisions, some errors would creep in. A few "declaratory orders," as they are termed by the Judges, have been issued, for the purpose of setting right those errors which have been discovered; and a reference to them (printed in another place) will show how comparatively trifling were the errors to be rectified.

Taken as a whole, the work has been done in a thorough and satisfactory manner. One great point gained, and one on which practitioners ought to congratulate themselves, is that for some time to come (but for how long it is hard to say) they may feel pretty confident that all the existing orders of the Court, except the declaratory orders above mentioned, are to be found between the covers of this work, by which, to use the words of the first order, "from and after the first day of July, 1868, all the general orders of this Court which have been at any time heretofore made," are abrogated. But while thus uprooting all pre-