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## THE CONSOLIDATED RULES.

THE Consolidated *Rules* of Practice which have been recently promulgated, and which are to come into force at the end of the present long vacation, are intended to be in effect a complete Code of Practice. The project of framing a code on such a subject was an ambitious one, but a careful perusal of the *Rules* leads us to the conclusion that the object aimed at has by no means been attained. By *Rule* 3, all rules and orders heretofore passed, except certain exceptions mentioned in a schedule, are rescinded, and all practice inconsistent with the new *Rules* is superseded; and as to all matters not provided for by the *Rules*, the practice is, as far as may be, to be regulated "by analogy thereto." Whoever expects to find in the new *Rules* a complete code of procedure will, in many respects, find himself disappointed. For instance, by *Rule* 25, for the practice as to issuing orders of course, we are referred to the English practice prior to Trinity Term, 1856. By *Rule* 135, upon a reference in a redemption writ, we are referred to the present practice: if it is desired to appoint a guardian for an infant defendant, when he is not represented by the official guardian, by *Rule* 261 we are referred to the former Common Law practice. By *Rule* 335, we are referred to the former Chancery practice, to learn how an insane person not so found may sue or defend an action. By *Rule* 367, if we want to know in what circumstances a writ may issue to repeal letters patent, etc., we must hunt up the practice in the Court of Chancery in England on 5 Dec., 1859. So, also, the consolidation of actions is by *Rule* 652, made to depend on the practice in the Superior Courts of Law before the Judicature Act. By *Rule* 862, the practice as to enforcing a judgment for the payment of money is regulated by the practice of the Superior Courts before the Judicature Act. By *Rule* 878, writs of attachment against the person may be issued under the same circumstances and in the same manner as they could according to the practice of the Court of Chancery before the Judicature Act, but by the following *Rules* provisions are introduced wholly different from the former Chancery practice in this respect. By the former Chancery practice it was customary to indorse the decree or order sought to be enforced with a special notice to the effect that, if it were not duly obeyed, the disobedient party would be liable to be attached, and upon filing the affidavit of service with an affidavit of non-compliance, the attachment issued without further order. Now, in no case may an attachment issue without an order, to be applied for on notice. In this respect, however, it is only fair to say the consolidation of the *Rules* has merely perpetuated a blunder made in the original Judicature *Rules*.