

Whether it is wise to dispense with the notice prescribed by the Rules seems doubtful, and yet the inclination of the Appellate Division appears to be in the line of treating an originating notice as unnecessary, if the parties choose to waive it. But the originating notice is intended to be not only a substitute for a writ of summons, but also for a statement of claim in an action, and for a Judge to dispense with an originating notice and accept the oral statement of counsel, is like waiving the filing of any pleadings in an action. And an order drawn up without anything on its face to shew how the Judge came to pronounce it, or on what claim or demand it is based, or, how the Judge came to have any jurisdiction to make it, would seem to be obviously defective,—and a record of such an order having nothing on the files of the court to support it, would be like a judgment pronounced without any writ of summons or pleadings, and but for the dictum of the learned Chief Justice one would imagine to be about as valuable as a piece of waste paper.

In the anxiety of the court to escape from technicalities, it is possible to go too far, but as hard cases have often been found to make bad law, so also they may be found also to make bad practice.

The "slap dash" method of administering the law finds great favour with some lawyers but we venture to doubt whether it is a wise method for practitioners either to take themselves, or to invite complaisant judges to take.

PROPERTY AND CIVIL RIGHTS.

A legal journal is not concerned with the present agitation as to Prohibition, but we have a distinct duty as to the preservation of law and order and the conservation of the principles which have been instrumental in the maintenance of steadiness in the progressions and developments which must be part of the history of every nation, and which have been particularly noticeable in that of the British Empire; and these changes and developments will run their course as long as this Dispensation lasts. As to this development, a president of the Trades and Labour Council, on a recent occasion, said: "There can be no development but by the orderly progress of evolution."