

## THE JUDICATURE ACT.

vided, instead of the different methods in use in the different Courts. Every pleading is to contain, "as concisely as may be, a statement of the material facts on which the party pleading relies, but not the evidence by which they are to be proved." It is provided (contrary to the English rule) that the "silence of a pleading as to any allegation contained in the previous pleading is not to be construed into an implied admission of the truth of such allegation." Local *venue* is abolished, but the plaintiff is to name, in his statement of claim, the place where he proposes that the action should be tried. Notice of trial is not to be countermanded, nor is the record to be withdrawn, except on consent or by leave of the Court or Judge. Orders may be made for the preservation or *interim* custody of the subject matter of any litigation, or, in the case of perishable goods, a sale may be directed. "No action shall be defeated by reason of the misjoinder of parties, and the Court may, in every action, deal with the matter in controversy, so far as regards the rights and interests of the parties actually before it." All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist; and defendants may be joined in the same manner, and provision is made for joining defendants in cases of doubt, and for determining claims to contributions and indemnity as well between defendants as between defendants and persons who are not parties to the action. The intention of the draughtsman being "that, as far as possible, all matters in controversy may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided."

In introducing the Act of 1873, Lord Selborne said: "Of all our institutions there are none which excite a greater or more natural, or more profound interest,

than those which relate to the administration of justice. None tend more to bind together the whole fabric of society, and none are held in more general and just estimation and reverence by the people. And it may be for this reason that public opinion on these subjects is of somewhat slow growth, and they are relegated to a more serene region than that ordinarily devoted to polemical and political contests. All classes of men feel that they have a particular interest in these subjects being dealt with on sound and right principles, and, therefore, passion and excitement have but little place in the consideration of such matters."

Whilst we trust that the new Act may be considered by our Legislature and the legal profession in this spirit, we would urge upon the Government not to push the measure through this Session, as seems to be the intention. We have no doubt the Attorney-General has given careful attention to its provisions; but we are quite as certain that if the measure were in the hands of the Bench and Bar until next Session, a more perfect Bill could have been submitted. Suggestions hereafter made will be for the purpose of amending an Act then in force, instead of alterations in a draft Bill. Moreover, if that course were taken, much discussion and many explanations in the Legislature would be unnecessary; members would not be required to ask, what appear to the initiated to be very silly questions, and the Attorney-General be saved, possibly, from the disagreeable necessity of making alterations in his Bill, forced upon him by the clap-trap arguments of members, who, necessarily ignorant of the matter themselves, desire to represent the so-called views of constituents who, having still less knowledge of the matter, are led away by their prejudices, and their hostility to a