The Canada Law Journal.

VOL. XXV.

MAY 16, 1889.

No. 9

THE general impression has been that Con. Rules 1089 and 1092 practically amended R.S.O., c. 66, so as to abolish the writ of attachment in actions against absconding debtors, and substituted for it an order of attachment. But a reference to 52 Vic. c. II, Form A. enacted in the last session of the Ontario Legislature, seems to indicate that it is the intention of the legislature to continue the writ of attachment. It is unfortunate that the Rules and the Statutes are not consistent on this point. The confusion doubtless arises from forgetfulness on the part of our legislature of the changes made by the Rules in the former practice. More careful supervision of legislation, with a view to consistency and clearness, seems a necessity.

THE progress made in other portions of the globe where the English common law forms the basis upon which legislation has been built up, must furnish ground for instructive and profitable reflection. The codification and improvement of law in India, treated of in this number by Mr. Remfrey, a Calcutta solicitor, gives striking evidence of the progress made in that distant part of the empire. In many of the improvements effected in India we see the repetition there of changes which have been made here, but in some particulars the deviations from the English law and practice have been much more radical in India than in Ontario. Some of these departures will doubtless not be regarded by our readers as improvements, others, we think, must commend themselves to everybody. We commend to the consideration of our legislators the mode adopted in India of preventing lack of unanimity on the part of the jury from having its usual harmful consequences.

It daily becomes more and more apparent that something must be done in the direction of providing another Junior Judge for the County of York. The Division Court business for the City of Toronto has now assumed such immense proportions and is increasing with such rapidity that it is difficult for the present most efficient and industrious Junior Judge to keep the work under. At each of the present monthly sittings the docket is of such size that the Court never lasts less than three days, end frequently five days. The result of this is an unnecessary and great waste of time to litigants, solicitors and witnesses, who have to