

THE JUDICATURE ACT IN MANITOBA.

We have received a copy of "The Queen's Bench Act," 1895, passed by the Manitoba Legislature at its last session. This Act comes into force on the 1st of October next. Manitoba thus falls into line with Ontario in adopting the system of legal practice and procedure known as The Judicature Act; and a brief summary of the changes introduced into the law by this Act may be of use to the profession, both of Manitoba and other Provinces.

The Court retains the same name as heretofore, namely, the Queen's Bench. It is not divided into two or more branches or divisions, as in Ontario, but is to administer every kind of relief heretofore granted in the Court on its common law and equity sides. The Act itself is a short one, containing ninety-seven sections in thirty pages, but it is followed by two hundred and eighty-nine pages of rules and forms, which are declared to be a part of the Act.

Rules 984 and 985 declare that it is the purpose of the Act to fuse and amalgamate the former system of law and equity practice into one system, and that the new law and practice shall be applied to all matters, causes, suits, actions, and proceedings, without distinction as to whether the rights or remedies would formerly have been legal or equitable, in such a way as, in the judgment of the court, will conduce to the just, speedy, and inexpensive determination of the rights of all parties in question therein.

All suits and actions formerly commenced by writ of summons at common law, or by bill of complaint or information in equity, must now be commenced by a statement of claim. This is to be prepared by the plaintiff and taken to the officer of the court, who will sign and seal it, and return it to the attorney after a copy has been filed.

The writ of summons is entirely abolished, and the same form of statement shall be used, and service thereof shall be made in the same manner, whether the service is to be made in Manitoba or elsewhere, and whether the defendant is, or is not, a British subject.

A defendant served within Manitoba will have sixteen days to file his statement of defence. No other pleadings are allowed, and separate demurrers are abolished; but the defendant may incorporate a demurrer with his statement of defence. Where