

NEW RULES OF THE JUDICIAL COMMITTEE OF PRIVY COUNCIL.

The rules of practice in appeal to the Privy Council have recently been amended and consolidated by an Order in Council of the 21st December, 1908. Canadian practitioners who have had occasion to look into points of practice or procedure in the Privy Council will welcome the convenient pamphlet containing in 88 rules and 3 schedules a more or less complete codification of the practice which is to apply to all appeals entered on and after January 1st, 1909.

The chief amendments of the former practice indicate a desire to simplify procedure and to accelerate the hearing of appeals. A notable instance of simplification is the abolition of the old procedure by means of case orders to compel a dilatory opponent to lodge his case and so get the appeal set down for hearing. The former practice was to apply by petition for a first case order requiring the party in default to lodge his case within one month, followed by another petition and a second or peremptory case order requiring the case to be lodged within a further period of fifteen days before the appeal could be set down for hearing. Under the new rule a party who has lodged his own case has only to serve a case notice requiring the other party to lodge his case within one month. The notice may not be served until after the record is printed and non-compliance entitles the party serving the notice, subject to other conditions being fulfilled, to set down the appeal for hearing. In this and other respects the new rules may effect an appreciable saving of costs.

The period within which an appellant must enter appearance has been reduced (in appeals from Canadian Courts) from three to two months from the arrival of the record at the council office. The appellant is also required to lodge his petition of appeal within one month after the completion of the printing of the record in England or within two months from the arrival of the printed record at the Council office. Respondents are, however, dealt with more leniently and are not in default unless