under Rules 938 *et seq.* But it has not yet been determined that it includes a civil proceeding begun by consent and of an informal character, and initiated in a way which is not laid down in the Rules."

Some little obstacle in the way of proceedings being carried to trial in the way the learned Chief Justice suggests might arise owing to the fact that, at all events, some officers of the court might have difficulty in passing a record in a proceeding in which no writ had been issued; they might, perhaps, conclude that there was really no action pending, and that the filing of a statement of claim or any other pleading in a case where no writ of summons had issued was a nugatory proceeding unwarranted by the practice of the court rightly interpreted.

It is quite possible, however, that some enterprising practitioner will seek to carry on litigation without the initiatory steps which the Rules prescribe, trusting to the dictum of the learned Chief Justice as a sufficient warrant for his proceedings. How far the *Law Stamp Act* may be thus evaded, however, does not appear at present to have been considered.

Practitioners desirous of adopting the simple and inexpensive plan of getting an adjudication of their cases without the troublesome procedure of issuing writs, or filing statements of claim or other pleadings, by just getting the counsel on the other side to step into a Judge's room and ask him to hear a motion for judgment, may thus be able to reduce the process of litigation in the Supreme Court of Ontario to a state of archaic simplicity.

From the earliest days in the history of English litigation the litigant was bound to bring his opponent before the court by due process, usually a summons from the Sovereign, "the fountain of law." In Chancery there was the subpœna to answer—but before the Judicature Act the latter formality had been superseded by a notice.

More recently we have, in Ontario, following this Equity practice, in some cases substituted a notice of motion, called an originating notice, as a mode of bringing an opponent before the court, but in England the old procedure by summons, even in such cases, is perpetuated.