

It was ordered that paragraph 4 of the Report of the Special Committee on Fusion, etc., and the foregoing resolutions, be referred to a special committee composed of Messrs. McCarthy, Watson and Aylesworth, with a request to report to Convocation on Friday, the 9th inst., and that suggestions should be added of the most convenient method of settling the order of the business at the sittings, including the peremptory list.

Mr. Martin gave notice that he would on Friday, 16th inst., move that the fees of stenographers and cost of copies of evidence be reduced.

Friday, February 9th, 1894.

Present, the Treasurer, and Messrs. Osler, Mackelcan, Moss, Barwick, Magee, Idington, Britton, Shepley, Hoskin, Ritchie, Meredith, Riddell, McCarthy, and Watson.

Mr. Moss, from the Legal Education Committee, reported as follows :

In the case of Mr. Charles F. E. Evans Lewis, who was entered on the books of the Society as C. F. E. Evans, that he is entitled to be called to the Bar and receive his certificate of fitness.

The Report was adopted, and it was noted that Mr. Evans Lewis had been entered as a student by the name of Evans, and the Secretary was directed to note the change of name in the record of students.

Mr. Watson, from the Special Committee appointed on Tuesday, the 6th inst., to whom had been referred the resolution of the judges and the resolutions with respect thereto, presented a Report as follows :

The committee to whom was referred the resolution proposed by the judges with reference to actions that should be tried by a jury, and the resolutions of Convocation in respect thereto, begs to report that in the opinion of the committee the views of Convocation should be embodied in a memorandum to be communicated to the judges, and submit for the approval of Convocation the accompanying document containing a summary of the views entertained by this body on the question.

MEMORANDUM RESPECTING THE PROPOSED CHANGES AS TO ACTIONS TO BE TRIED
BY A JURY.

Convocation has had under consideration the order which the judges of the High Court propose to enact with reference to actions that should, in view of the changes that have been made as to the sittings of the courts, be tried by a jury, and having given the matter the best consideration in its power Convocation is apprehensive that the limitation of actions which it is proposed should be tried with a jury would not be found acceptable either to the profession or the public, and Convocation has been unable to discover the Rule or principle on which the proposed discrimination in the trial of actions has been based.

It appears to the members of Convocation that some actions which, in their opinion, ought unquestionably to be found in the jury list, such as actions in which a criminal charge is made against one of the parties to the litigation, are not embraced in the list contained in the proposed Rule; and Convocation has been unable to appreciate the reason why actions of collision—of that description of actions of negligence—should alone be tried by a jury, nor why actions against physicians should be included amongst the jury cases, while actions against solicitors and other professional men are left for trial without a jury. At the same time, it is only fair to say that while unable to approve of the amendments suggested Convocation has found it difficult, if not impossible, to formulate any scheme which would not be open to the same class of objections as those that occur to Convocation as furnishing reasons why the proposed change should not be made. It has therefore been deemed better for the present, at all events, to adhere to the existing law and practice respecting the method of trial, save as to the practice as to the time when the determination of the question how an action should be tried, that is, with or without a jury, should be disposed of.

In view of the alteration which has already been adopted in the sittings of the courts, it is thought by Convocation that it is of the utmost importance, in order that the new system should have a fair chance of success, that the question as to whether a case