

JUDGE'S NOTES—ASSIGNEES, &c.—ACTS OF LAST SESSION.

JUDGE'S NOTES.

It may be useful to state what is believed to be the practice of the most experienced of the judges, with reference to giving or withholding copies of their notes taken at *Nisi Prius*.

As we understand it, the judge's notes are intended, in the first place, for the use of the judge himself, or for the information of the proper court, and not for the use of the public or of either party to the cause. Copies therefore will be refused, unless it clearly appears that they are desired for the benefit of both parties, as where the parties have consented that they shall be used as the evidence between them on a new trial, or in making up appeal books, or under some other special circumstances which might possibly arise.

It is thought that an indiscriminate liberty to use judges notes might lead to most injurious results, and be made a means of improperly harassing witnesses, and particularly because, as a general thing, the evidence is not pretended to be taken down in the exact words of witnesses, so that their meaning might be misunderstood, or statements might be omitted, which would explain apparent inaccuracies or contradictions; or the production of copies of the notes of evidence at a former trial might at a subsequent trial lead to unseemly disputes as to whether the judge had or had not taken down the evidence correctly.

The rule is a wholesome one, and not as generally known or understood as might be supposed.

We direct attention to the remarks of a correspondent on the operation of the Insolvent Act, and particularly with reference to what he says with reference to the anomalous position in which official assignees place themselves by a desire to increase their business and their fees.

The present system, it is said, tends to make those assignees, who live by the number of assignments made to them, the agents rather of insolvents than of their creditors. Nothing is more probable than this, and our correspondent forcibly points out the evils arising from it. There is a strong temptation placed in the way of an assignee to facilitate the success of the insolvent in obtaining his discharge, at the expense of the right which creditors have to obtain as much as possible from the insolvent's estate.

Curiosity, always rife as to the appointment of new officials, particularly where the offices are of much responsibility or of large emolument, has almost died away with reference to the County Judgeship of York. After such long delay we may well expect that the appointment will be such as will be thoroughly satisfactory to the profession and the public.

ACTS OF LAST SESSION.

We make room in this number for such of the Acts of the Session of the Parliament of Ontario, which has just closed, as will be interesting to our readers, or useful in their practice. Promptitude on our part in this respect will be the more appreciated as these Acts, so far as we know, came into operation on the day they were assented to, and therefore long before the public could obtain copies of them. We must confess that we are unable to discover the necessity for the *immediate* operation of any of them; if they were to come into force a month or two hence, when they might be ready for general distribution, no harm would have been done, and perhaps much mischief prevented, which may have arisen from the want of knowledge of their contents.

Headlong legislation seems to be the order of the day, and we shall have to bestir ourselves to keep in view the actual state of the statute law through the cloud of acts, passed and promised, which our "new brooms" have stirred up.

AN ACT

To amend the Common Law Procedure Act.

[Assented to March 4, 1868.]

Whereas it is desirable to amend the Common Law Procedure Act, therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The three hundred and twenty-fourth Section of the Common Law Procedure Act is hereby repealed, and the following Section shall be substituted for and stand in lieu thereof

"If the Plaintiff in any action of trespass or trespass on the case, recovers by the verdict of a jury, less damages than eight dollars, such plaintiff shall not be entitled to recover in respect of such verdict any costs whatever, whether the verdict be given on an issue tried, or judgment has passed by default, unless the Judge or presiding officer before whom such verdict is obtained immediately afterwards, or at any future time to which he may postpone the consideration of the matter, certifies on the