

OUR NEW PROCEDURE.

satisfaction and a great saving of time and money in having the question actually in dispute clearly defined by pleading to a distinct and acknowledged issue. The allowance of a counter claim and the power to bring in a third party and to make such persons parties is a change which we fear may add largely to the ordinary delays of an action and the expenses of the plaintiff. If this danger can be avoided no doubt the existence of these powers will enable the court to administer justice more efficiently than has been the case in many cases at Common Law. Ample powers of amendment in adding parties are also allowed, and the name of a sole plaintiff may be changed for that of another by an application to the Court upon proper grounds, and no doubt with the consent of the person whose name is substituted as plaintiff.

But it is scarcely worth while to refer to the Act in detail, when our readers can obtain all that we can state from either of the recent publications of Mr. Maclellan or of Messrs. Taylor & Ewart. These books will doubtless be the *vade mecum* for the profession, as Harrison's Common Law Procedure Act has been for the past twenty years. It is almost a pity that both were written, and that one work was not prepared containing the excellencies of both. Both works appear to be accurate, and so far as the annotations upon the Act are concerned about equally full, and no lawyer ought, or can well be without both, the one being in many instances a supplement to the other. Mr. Maclellan's book is the most handy for reference, though that of Messrs. Taylor & Ewart is, in some respects, fuller, and goes beyond the actual requirements of a simple text book upon the Act in question, in that it discusses subjects not really necessary for the elucidation of the text of the Act and rules. The subjects discussed, however, are of great interest to the profession. We may particularly instance the remarks upon the statutes relating to married women owning se-

parate estate, which express the present law upon the subject in apt and concise words. The question of counter claims, too, is fully discussed—a subject novel to the profession, and likely to prove a stumbling block to many. The question of parties is fully discussed in both works, and this, too, will be a subject of great interest under the new Act to those whose practice was mostly at Common Law. Neither of them refers at any length to the new system of pleadings. Perhaps both might have enlarged upon this with advantage. It may be pointed out that good pleading will not be a lost art, as many, no doubt, will find to their client's expense. It is as necessary as it ever was to set forth all the facts that are required to enable a plaintiff to succeed in his action, and the omission of such facts from the plaintiff's statement will as surely lead to a successful demurrer as of old. A good work on pleading under the new procedure is the great want of the profession here and in England at the present day, and until we have this the successful framing of statements of claim or defence will be a work of much care, and require much thought. Cases do arise where no resort can be well had to any work on pleading, but a new work on the principle of Bullen & Leake will be of great assistance, and particularly so if it can embrace a number of forms of pleadings in a class of cases hitherto known as equity cases. The work of Taylor & Ewart also has very useful chapters on Partition, Mortgage, and Administration suits, which will be of great service to the profession. Both books contain the Chancery orders, especially as excepted in the Act, and which still remain in force. An appendix to Mr. Maclellan's work contains the general orders of the Court of Appeal, and some valuable annotations thereon; and this is followed by an appendix embracing a time table under the new Act, a most valuable aid to the memory of the practitioners.

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