

LEGAL LEGISLATION.

The committee propose to abolish the office of judgment clerk, and make provision for giving deputy registrars (among whom we presume they intend to include the "local registrars") the same power of settling minutes of judgments as are possessed by the registrars, subject to the right to move to vary the minutes. According to the present practice the deputy registrars have the same power to settle minutes as the registrars; but before a motion to vary minutes will be entertained in the Chancery Division the judges have required that the dissatisfied party shall procure the minutes to be submitted to a judgment clerk. The object of the proposed change is, we presume, to enable the parties to appeal direct from the settlement by the deputy registrar to a judge. We are inclined to think that this would be no improvement. Many of the local registrars have had no experience whatever in equity practice, and consequently are quite unable intelligently to discharge the duty of settling minutes, when the judgment deals with equitable rights. In all such cases the officer, to settle the minutes of the judgment, ought to have some knowledge of equity practice, and know how the rights of the parties are to be worked out, and he should be familiar with those provisions which are inserted in judgments as a matter of course, in order to work out those rights. Instead of committing this duty to a class of men, many of whom are profoundly ignorant on the subject, we would suggest that it would be better to commit the duty of settling minutes of judgment in outer counties to the masters who have, or may be reasonably supposed to have, the requisite practical knowledge to enable them to discharge the duty satisfactorily.

The abolition of writs of injunction effected by the Judicature Act naturally leads the committee to suggest that the same principle should be extended to

other extraordinary remedies, such as prohibition, certiorari, mandamus, habeas corpus, etc.

We do not quite understand what the committee mean when they propose to abolish references to arbitration. We presume that this proposal only relates to compulsory references in actions, and is not intended to affect voluntary references out of court, or the various statutory provisions regulating them.

The proposed abolition of orders *nisi* and summonses, and substitution of notices therefor, is manifestly desirable for the sake both of simplicity, uniformity, and the saving of time and expense; and the establishment of a uniform practice in motions for new trials is also exceedingly desirable. The suggestion that judgments should be drawn up, signed and entered as decrees were formerly drawn up and entered, strikes us as an improvement. This, of course, has only reference to the manner, and not to the place of entry—as all decrees in Chancery were entered in Toronto at the chief office of the court. It will be necessary to be careful that this practice is not unintentionally revived.

While on this point we may observe that there is no express statement in the committee's report of any intention to introduce any rule regulating the entry of orders. In the Chancery Division perhaps there is too great particularity in this respect, while in the other Divisions there is too great laxity. A careful revision of the class of orders which should be entered in full should be made, and such orders should be entered, no matter in which of the Divisions they are made.

The proposal to return to the former simple practice in Chancery in respect to demurrers, is a good one. The rules at present in force relating to the payment of money into court are not altogether satisfactory, and need improvement, and the proposal to require money paid in