

311—312. That the number of Commissioners named to execute a *Commission Rogatoire* be reduced.

That the delays in term and vacation be uniform. That a uniform delay of *eight* days be substituted for the delays of five, six, ten, fifteen days, mentioned in articles 551, 649, 652, 720, 760, 932, 1063, 1070, 1112, 1120, 1139, and 1142.

538. That a legal tender may be made in Bank notes or accepted cheques, if not objected at the time of tender.

699. That in cases of Sheriff's sale, the Registrar's certificate be obtained immediately after the seizure.

1050. That in cases over \$100, the Superior Court have concurrent jurisdiction with the Circuit Court, the delays and proceedings for appeal, and fees, being the same as at present.

Many other amendments suggested, some of which are of considerable importance, will be found in the Schedules."

We proceed to notice some of the more important suggestions contained in the Schedules, A and B.

Art. 2. It is suggested that when the Queen's birth-day falls on a Sunday or holiday, the next following juridical day should be non-juridical, and thus a holiday be always secured.

Art. 32. With reference to actions *in formâ pauperis*, it is proposed to add that "any party prosecuting an action of damages *in formâ pauperis*, shall be liable to *contrainte par corps* for costs awarded to the opposite party." This is of course intended to prevent the institution of vexatious actions of damages by those who have nothing to lose. Mr. МАСКАУ suggested at the meeting that this might be carried even further, and all *mendicants* bringing actions of damages or petition actions, subjected to *contrainte*, if unable to pay the costs when their action is dismissed.

Art. 56. The second clause reads thus: "In the absence of a regular domicile, service may be made upon the defendant at his office or place of business, if he has one." It was suggested that this should be made to read as follows: "In the case of a trader, service may

be made upon the defendant at his office or place of business."

Art. 84. With respect to service at the prothonotary's office of orders, rules, notices and other proceedings, upon parties who leave Lower Canada after the commencement of the suit, or have no domicile therein, it is proposed that interrogatories *sur faits et articles* and the *serment décisoire* be excepted. There have been judicial decisions already to this effect; the Statute as it stands being evidently unjust to parties at a distance suing in our Courts.

Art. 90. It is proposed to add: "In cases of *saisie-arrêt* after judgment, if the defendant makes default, judgment may be forthwith rendered against the garnishee for the amount by him declared to be due."

Art. 145. It is proposed to expunge this article which reads thus: "No general denial can have any effect, and every fact alleged, the reality or truth of which is not specifically denied, is held to be admitted."

Art. 210—223. The committee recommend that the entire chapter relating to articulations of facts be struck out, these papers being found practically useless.

Art. 235. It is recommended that the expense of interrogatories upon articulated facts be borne by the losing party.

Art. 254. The suggestion is made here that any party to a suit may offer his own testimony. [Mr. ANGUS MORRISON, we observe, has introduced a bill respecting evidence *à nisi prius*, in Upper Canada, which is a step in the same direction.]

Art. 275 restricts cross-examination to the "facts referred to in the examination in chief." It is proposed to extend it to facts "in issue in the cause."

Art. 351, 352. It was suggested by the minority of the committee, including Mr. РИТЧИЕ, that a trial by jury should be allowed in all cases where the amount demanded exceeds \$400.

Art. 355, 356, 357. The minority of the committee recommended that these articles should be struck out, and the following substituted: "The verdict of the jury shall be general, unless the parties agree that special facts be submitted to the jury."

Art. 406. This was altered to read as fol-