visions, consolidations, and amendments carried out under the auspices of the late Premier. But to Sir John Thompson belongs the credit of placing on the statute book a criminal code for Canada, which will couple his name with the achievement of a great and important measure of criminal law reform.

A POINT of practice of some importance has been recently decided in the case of *Morse* v. *Lamb*, a report of which will be found on another page. Under the old practice in Chancery, in case a defendant made default in answering the plaintiff's bill of complaint, a practice prevailed enabling the plaintiff on præcipe "to note the bill *pro confesso*" as against such defendant, the result of which was to preclude the defendant from thereafter putting in any defence to the suit except by leave of the court, and the plaintiff was thereby relieved from the necessity of giving the defendant, as to whom a bill was so noted, any further notice as a preliminary to obtaining a decree; but the plaintiff was entitled to obtain judgment against a defendant as to whom the note *pro confesso* had been entered, as though he had confessed the truth of the allegations in the bill on which the plaintiff based his claim to relief.

The original Judicature Rules did away with this very useful procedure, and failed to substitute any other; but an amendment was made by the introduction of Rule 393, which enabled a plaintiff to close the pleadings as against a defendant who has made default in delivering a defence. But this Rule does not dispense with service of notice of motion for judgment on defendants as to whom the pleadings have been thus closed. And it will be noted that by the terms of Rule 393 its provisions are only applicable to cases where a statement of claim has been served. No provision is made for entering such a note where a defendant has been served with the writ in a mortgage action and has failed to appear. If the defendant were a sole defendant judgment could be entered against him, as of course on the indorsement on the writ; but if there happens to be other defendants, no provision is made by the Rules for closing the pleadings or otherwise preventing defendants in default for want of appearance from appearing pending the service of other defendants. This difficulty was accentuated in the case of *Morse* v. *Lamb*, to which we have referred, where there were 271 defendants, and where a great many of the defendants had made default in appearance, and where the serving of such defendants with a statement of claim would have involved a very great and unnecessary expense. The Chancellor has, we think, very happily solved the difficulty by making an order by *analogy* to the practice laid down in Rule 393, as he is empowered to do under Rule 3. By this order he has directed the pleadings to be noted as closed as against the non-appearing defendants, and has authorized the plaintiff, without further notice to them, to move for judgment against them when the action is ready for adjudication as against the other defendants.

This, however, seems a somewhat rough and ready way out of the difficulty; it still involves a motion in chambers to accomplish what should, and could, be equally well done as of course, provided a Rule were passed for that purpose.