

LEGAL LEGISLATION.

should form a permanent Rules Committee, and that the sole power to make rules should be vested in that committee.

II. That some means should be devised to settle definitely, before a case is called for trial, whether it is to be tried with or without a jury. Upon this point the committee have taken pains to ascertain the views of the profession, and after elaborate inquiry the committee have unanimously come to the opinion that all cases entered upon the jury list for trial should be tried by a jury, and that all cases entered upon the non-jury list for trial should be tried without a jury, unless by consent of parties, and that the Judge at the trial should have no power to vary the mode of trial.

The committee intend that the effect of this recommendation, if adopted, shall be to cast upon the Judge before whom any application to strike out or add a jury notice shall come, the duty of considering the nature of the action, the evidence likely to be adduced, and the circumstances likely to arise affecting the application, instead of, as has occurred in many cases, throwing that duty upon the trial Judge.

III. That some means of more rapidly obtaining copies of evidence should be devised than the present.

IV. That the rules respecting the jurisdiction of Local Masters taken from 48 Vict., cap. 13, sec. 21, and J. A. Rule 584, should confine the jurisdiction to such Masters as do not practise.

V. That the rules as to pleading should be amended so as to prevent the pleading of a joinder of issue to a statement of claim or counterclaim, and that where the plaintiff pleads a simple denial of the defendant's pleading, he should be at liberty to close the pleadings by filing a similitur.

Great care has been given in the revision to the logical arrangement of the rules, and they have been subjected to careful verbal criticism and consequent correction.

Elaborate headings to the divisions and subdivisions are to be interspersed throughout the rules.

The report concludes as follows :

Several memorials were laid before the committee upon the subject of changing the period of Long Vacation, but the suggestions made by these memorials were so many and varied that the committee have not suggested any change in the rules governing this vacation.

The committee have also taken active steps with a view of obtaining an increase of judicial salaries, and they request that this question be left by Convocation with the committee to take such further

steps as may be deemed advisable in continuing to urge upon the Government this important question.

The committee desire to express to Convocation the high opinion formed by them of the usefulness of the County Law Associations. These bodies form ready means of obtaining opinions on subjects of professional interest from Local Bars which opinions cannot be obtained from counties in which such association do not exist. No associations have been formed in the following counties: Carleton, Grey, Hastings, Huron, Kent, Lambton, Lanark, Leeds and Grenville, Lennox and Addington, Lincoln, Northumberland and Durham, Oxford, Perth, Peterborough, Simcoe, Stormont, Dundas and Glengarry, Waterloo.

The committee urge upon Convocation the taking steps to procure the formation of Law Associations in these counties under the liberal provisions of the rules relating to county libraries.

This report is signed by Mr. John Hoskin, Q.C., and Mr. Walter Barwick, the energetic Chairman and Secretary respectively of the Association.

Under the direction of the Attorney General the rules as revised will be laid before the Judges, he himself having approved of many of the proposed changes. Under these circumstances, and after the very careful consideration given to the subject by the committee, it may be assumed that the rules will, with some slight alterations or additions, be adopted.

It has usually been that changes in procedure have resulted from the thought and experience of individuals more or less competent to judge of what changes are desirable; but this matter has been taken hold of by the profession as a body, and the details carefully discussed by those who are best able to express an opinion on the subject from their daily practice. We may therefore expect with some certainty that a step has been taken in the right direction. The work of the committee is a result of the formation of the local law associations. Without these bodies there would have been no possibility of securing an authoritative expression of opinion on the contemplated changes in procedure from the Bar as a body.