

PREFACE

It is greatly to be regretted that, owing to illness, Mr. Thomas Langton, K.C., has been prevented from taking part in the preparation of this edition; because the recent re-framing of *The Judicature Act and Rules* has necessitated the re-casting, re-arranging, and in many instances re-writing, of many of the notes included in the first edition, in which his assistance would have been most valuable. It may perhaps be excused if the genesis of this edition is here traced.

When the first Ontario Judicature Act was passed in 1881, in addition to the Rules which were included in the schedule to that Act, many of the former Common Law Rules, and Chancery Orders, were left in force, but it was not officially stated which of them; and it had to be determined judicially as the question arose whether or not a particular Rule or Order was still operative. In order to assist the profession in determining which of the former Rules and Orders remained in force, the present editor published in 1884 an annotated edition of all of them as he considered to be in force, a labour in which he derived little personal benefit, but which nevertheless helped in the ultimate consolidation of the Rules in 1888, and to some extent laid the foundation for the present work. In 1884, Mr. Langton also published the second edition of Mr. MacLennan's book on *The Judicature Act and Rules of 1881*. In 1888 the Rules were consolidated, and the first edition of Holmsted & Langton's edition of the Act and Rules was published in 1890, in which the prior labours of Messrs. Holmsted

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