not go far enough, and leave room also for doubt when read with similar clauses in the Law Reform Act. We should like the rule to be that all issues of fact should be tried by a Judge, the exception being only in cases of libel and slander, and in cases where, upon applications made before trial, the Court or Judge saw fit to direct the issues to be tried by a jury. If the trial by jury in civil cases were thus dispensed with there would be no occasion for section 20, but while trial by jury exists there ought to be some means of keeping juries within their proper sphere. The theory of our mode of trial at Nisi Prius is that the jury determine the facts, the Judge declaring the law. But those familiar with procedure know how difficult it is to confine juries to their sole duties, how often they go beyond them and usurp the functions of the Judge. They may or may not accept the law as laid down by the Bench, and there is always a difficulty, unless the jury will answer questions put to them, which they may refuse to do as the law stands, and insist on finding a general verdict. In actions for malicious arrest, false imprisonment, and actions by and against corporations, &c., the evil is very marked. The 20th section is apparently designed to remedy this by requiring the jury to give a special verdict. Our impression is that it will be better to provide that distinct questions should be framed beforehand and submitted to the jury, something similar to the plan in the Indian Code of Procedure. No doubt under section 20 the Judge could at Nisi Prius frame and submit to the jury questions in determination of the issues, and require the jury to answer them, but this in complicated cases is not always an easy task, and it would seem much better to have them prepared *deliberately* before-hand. Strong opinions have been expressed as to the propriety of this change both *pro* and *con*. We shall refer to these conflicting views on a future occasion.

The 21st section is calculated to save an unnecessary waste of judicial strength and the avoidance of delay.

The clauses for the examination of parties, &c., we do not stay to examine in detail, but recognize their great value, and similar powers have worked well in Chancery procedure.

The 36th and subsequent sections for assisting a party to obtain the fruit of his judgment or decree, may remove some difficulties that now exist, and as provisions in aid will be found valuable in plain cases where there is no contest. It is not, we apprehend, intended by this section, nor would it be wise that judges should, in all cases brought before them under it, summarily dispose of those many doubtful and difficult questions which arise where sales are impeached on the ground of a fraudulent intent to defeat creditors. It very frequently happens, and notably so in this class of cases, that the truth cannot be reached without having the witnesses and parties brought face to face with each other and subjected to a very searching cross examination. Whilst, therefore, this section will be useful in cases where the fraud is so palpable as not to leave any room for doubt, and where there are no other complicating circumstances, it is not likely that judges will very freely exercise the large powers proposed to be given to them. We presume there would be an appeal from any decision under this section as in other cases, but it would be well to provide that on an appeal a direction might be given for the trial of the disputed point on an issue or by bill under section 38.

When the Bill goes into committee the language of all these clauses will no doubt be carefully examined and any necessary alterations and additions made.

The 45th section will prevent County Court cases being carried out of the Court in which they are instituted, often to the