

RULES OF COURT—LAW SOCIETY.

is often great difficulty in securing harmony of opinion as to any proposed new Rule.

Nor do we think this is to be wondered at, when we remember the different systems of practice and the different legal traditions to which the various members of the body of Judges have been accustomed in the past. The Equity section naturally look with fondness on their former practice, and would fain see any further additions or changes in the practice tending in that direction; while the Common Law section naturally enough have predilections in favour of the old Common Law methods, with which they are more familiar. The natural result is a want of unity of purpose. But for this, a new tariff of disbursements, adapted to the practice under the Judicature Act which is urgently needed, and which, we believe, has been a long time in process of incubation, would have been hatched before this. There is a further objection to the present system, arising from the difficulty in getting so large a body of Judges together for a sufficient time for the purpose of the necessary consultation and deliberation. This must always prove a source of delay in passing necessary rules under the present system.

Not only is there a difficulty about getting Rules passed, but there seems an equal difficulty in getting them published. It is an old saying that "what is everybody's business is nobody's business," and we fear this has something to do with this matter. In England we see that the task of making new Rules has been delegated to a committee of Judges, and until some such system is adopted in Ontario, we do not believe that the making of new Rules will ever be satisfactorily accomplished. The ideas of individual judges, like those of ordinary mortals, are sometimes crude, and need the friction of other minds to reduce them to practical working. But this needful attrition of mind could be exercised just as efficiently by the rule-making body being reduced to three or four individuals.

Another advantage of the method we

suggest, would be that more regard would be had to the system of practice established, or to be established under the Judicature Act as a whole, and there would be less danger of crude suggestions of individuals passing into Rules of Court without proper deliberation, or thorough understanding of all their bearings.

We are also inclined to think that a standing committee of this kind might, from time to time, receive valuable suggestions both from the members of the profession, and from the officers of the Court who are practically engaged in working the Act, and who are often more familiar with defects, and the best mode of remedying them, than any Judge can be.

We doubt very much whether the system provided for by section 55 of the Judicature Act will be found to work satisfactorily in practice. The qualities necessary for the position of a Chief Justice, or Chancellor, do not necessarily include the qualification for making Rules of practice, and we are inclined to think a selection by the Judges themselves of a small number from their own body, of those best adapted for this kind of work, would be found more satisfactory.

LAW SOCIETY.

MICHAELMAS TERM, 46 VICT., 1882.

The following is the *resume* of the proceedings of the Benchers during Michaelmas Term, published by authority:—

During this term the following gentlemen were called to the bar, namely:—Alfred Henry Clarke, Joseph A. Culham, Alexander Armstrong Hughson, Charles Edward Jones, Edward Robert Cameron, Frederick W. A. G. Haultain, George Benjamin Douglas, James William Elliott, John McSweyn, James Pitt Mabee, W. R. Cavell, Henry Bogart Dean, Frederick E. Redick, John Christie, Thomas P. Coffee, William Reginald Armstrong.

The following gentlemen received certificates of fitness, namely:—R. S. Cassels, J. C. Delaney, E. R. Cameron, A. H. Clarke, James Thompson, A. A. Hughson, A. Foy, J. W. Elliott, F. H. King, G. B. Douglas, T. P. Coffee, F. W. A. G. Haultain, A. E. W. Peterson, J. Christie, C. McVittie, L. E. Dancy, E. A. Lancaster.