

(a.) Appearances; (b.) default of appearance; (c.) delivery of pleadings other than statements of claim and defence; (d.) notice of trial, (e.) countermand of trial; (f.) defendant bringing on trial.

The Sub-Committee have also added a scale of costs, which they trust may, in conjunction with the simplification of procedure, have the effect of greatly lessening the cost of actions.

10. Of the other matters dealt with by the code, the changes made in the mode of trial of actions are perhaps the most important.

The changes are as follows: (a.) Trial without a jury in claims under £500, unless a jury is demanded, and then only by a jury of four (b.) Trial of actions other than actions for money, specific chattels, or land, by a Judge without a jury; with full power, however, for a Judge to direct the action or issues in the action to be tried by a jury if, from the facts being in dispute or otherwise, it should appear desirable.

The first change simply follows the resolution of the Commission bearing on the subject. The second has been made relying on what the Sub-Committee conceive to be the general opinion, viz., that this class of actions should be tried by a Judge alone, unless well-defined questions of fact should prove to be in contest.

11. In dealing with the important subject of parties it seemed desirable to give very extensive powers, in order to prevent failure of justice or multiplicity of suits through all persons really interested in the subject-matter of any action not being joined. The Sub-Committee have accordingly adopted the elaborate provisions of the existing English rules almost *verbatim*, believing that these will be found sufficient for all requirements.

12. The Sub-Committee have also adopted from the same rules the rules as to change of parties on death, marriage, &c., which appear to provide a simpler mode of procedure than that heretofore in use.

13. Many other rules have been taken from the same source and from the existing Supreme Court rules, either *verbatim* or with slight alterations.

14. The Sub-Committee have also, in compiling the code, frequently consulted—(a.) the District Court rules, (b.) the English County Court rules, (c.) the Indian code of civil procedure, and (d.) the New York code of civil procedure.

15. Part IV., dealing with the subject of execution, may be regarded as to a great extent new. Less appears to have been done in consolidating the rules as to this branch of procedure than in any other department; and, as the existing law on the subject appeared to the Sub-Committee capable of great simplification, they considered it desirable to make an attempt to frame a set of provisions to regulate future practice in this matter. To do this completely it appeared necessary to incorporate the provisions of “The Execution against Real Estate Act, 1880.”

16. The best arrangement of the subject-matter of the code is a question of considerable difficulty, and one as to which opinions are sure to differ. After much consideration the Sub-Committee have proceeded as follows. They have placed first, rules affecting those proceedings in all actions which can be carried on in the same way. These will be found in the first five parts of the code. Part VI. deals with the variations necessary in special actions already alluded to. The remaining parts comprise miscellaneous provisions applicable to both of the foregoing heads, or for which no suitable place could be found in either. Subject to the foregoing arrangement, the rules as to proceedings in actions generally have been arranged, as far as possible, in the order in which they occur in the action.

The table of contents, prefixed to the code, will show at a glance the method adopted.

17. The number of rules comprised in the code is 603, as compared with 573 in the rules of 1856, and 434 in the rules adopted from the foregoing English rules recently circulated.

Considering the number of rules rendered unnecessary by dispensing with the steps in an action already mentioned, it might have been expected that the length of the code would have been considerably reduced. The fact that it is not may be accounted for as follows: (a.) In many cases in which rules have been derived