

parties. This limitation in the power of removal is considered a defect, and to cure it the reference to consent of parties is omitted (section 64 of the Consolidation Act).

The reference in Section 10 of "The Law Amendment Act, 1882," to "Court of Vice-Admiralty" has been altered to the "Colonial Court of Admiralty" in terms of the Imperial Act of 1890 (section 91 of the Consolidation Act).

In Rules 67, 70, and 71 of the Code the reference to married women is omitted as being impliedly repealed by the Married Women's Property Act.

In Rules 65, 79, and 90 "person" is substituted for "party" to give effect to the true meaning.

For the same reason, "statement of defence" is substituted for "memorandum" in Rules 98 and 99.

Rule 102 deals only with claims by a trustee in bankruptcy. We have extended it to include claims against him.

In Rule 161 "opposite party" is substituted for "other party," the true meaning as settled by judicial decision.

In Rule 172 "assessment of damages" is omitted as unnecessary. "Action" covers everything.

In the proviso to Rule 277 the language has been altered to accord with what we take to be the true intention.

The power to examine given by Rule 333 is extended to include any person.

In Rule 518 the reference to intestate is omitted as being a mistake.

Rule 538 is extended to apply to wife, husband, and child, also to applications under the Family Protection Act.

In the forms of writs the King's title is altered in terms of the Royal Proclamation made in 1901.

In Tables A and B (fixing time for pleading) we have substituted "not more than" for "within"—this for clearness.

In the Court of Appeal Rules No. 12 is modified to accord with the later rules gazetted in 1902.

The Court of Appeal Rules contained no specific provisions as to the taking of affidavits: we have applied the Supreme Court rules on the subject (see subclause (2) of Rule 25).

JURIES.

By section 29 of "The Defence Act, 1900," "all members of the Defence Forces," (other than Defence rifle clubs) are exempted from service on juries. The definition of "Defence Forces" in "The Defence Act, 1886," includes the Militia, which (with specified exceptions) consists of all the male inhabitants of New Zealand between the ages of seventeen and fifty-five. Presumably it was not the intention of the Legislature to exempt all these. The exemption stands in paragraph (l) of section 6 of the Consolidation Act, as we had no power to alter it.

The sections as to ballot-boxes and balloting have been recast for clearness.

JUSTICES OF THE PEACE.

In section 6 of the Act of 1900 (Right of accused to trial by jury) we have substituted "Court" for "Magistrate," so as to include justices when acting under the section (section 122 of the Consolidation Act). This is in accordance with the judgment in *Rex v. Reid* (20 N.Z. L.R. 604).

Subsection (2) of section 177 of the Consolidation Act (saving the jurisdiction of the superior Courts) is inserted in terms of the judgment in *Regina v. Anderson* (18 N.Z. L.R. 245), which decided that the Act of 1894 did not affect the jurisdiction of the superior Courts.

LAND.

The Land Acts contain two different and conflicting provisions for arbitration—section 79 of the Act of 1892, and section 12 of the Act of 1907. We have retained them (sections 80 and 187 of the Consolidation Act), but see no necessity for both. One system would be simpler and better.