

LAW REFORM IN ENGLAND.

desiring to question the correctness of the law laid down by the learned Chief Justice, his argument on *this* point would seem to show to what straits one is driven to give any reasonable interpretation to this perplexing Act; nor, apparently, do these two cases so far settle the law, as to leave it quite in a satisfactory state.

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The Lord Chancellor Selborne has introduced his measure for the reform of the Judicature into the House of Lords, and the bill appears to have been received with favour by the legal press. The main points of reformation to which the Lord Chancellor addresses himself, are first: to combine and harmonize the jurisdiction and practice of the various Superior Courts of Law and Equity in England, and this he proposes to accomplish by uniting into one Supreme Court all the existing Superior Courts of Common Law and Equity, and also the Courts of Probate and Divorce, of Admiralty and of Bankruptcy. In furtherance of this object he advocates the separation of the Supreme Court, to be constituted into several divisions with coordinate jurisdiction, and lays down several details for the uniform administration of justice and particularly in regard to modes of trial. The next great point upon which he seeks to amend the English legal system is to abolish the artificial separation of legal and equitable jurisdiction. He proposes to lay down as a principle, that where there is any variance between the rules of law and those of equity, the rules of equity shall prevail. Working out the same idea, his bill empowers the Supreme Court to give effect to the equitable rights and remedies of plaintiffs, and to the equitable defence and counter-claims of defendants; to take notice and provide for the equities of other parties, and to stay proceedings by its own order, (thus abolishing *injunctions*).

The *Law Times* gives a sketch of what the result would be if Lord Selborne's bill became law, of which we gladly avail ourselves as giving a bird's-eye view of the whole scheme. The future constitution would be as follows:—

Privy Council.

For colonial and ecclesiastical appeals and non-judicial questions which may be referred to it.

House of Lords.

For English and Irish appeals, and to feed the Supreme Court of Appeal.

Supreme Court of Appeal.

To be composed of five *ex officio* members—viz., the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron; the two Lord Justices of Appeal in Chancery, the four salaried Judges of the Privy Council; and three Judges to be transferred from the present courts of first instance; with power to Her Majesty to appoint as additional Judges any persons who may have filled any judicial office in England which would qualify them to be members of the Judicial Committee of the Privy Council, or who may have filled the office of Lord Justice General and Lord Justice Clerk in Scotland, and Lord Chancellor or Lord Justice of Appeal in Ireland.

To have cognizance of all the business of the existing appellate courts except such as is saved to the Privy Council and House of Lords, as above stated, admiralty and lunacy appeals being transferred from the Privy Council.

Its decisions to be final.

The Supreme Court.

To be composed of twenty-one Judges, and to comprise all the present Superior Courts of Common Law and Equity, the Admiralty Court, and the London Court of Bankruptcy. The Judges will be the eighteen Common Law Judges, the Master of the Rolls, the Vice-Chancellors, the Judges of the Court of Probate and Divorce, and the Judge of the Court of Admiralty, minus three, to be transferred to the Court of Appeal.

President: The Lord Chief Justice of England. First Division: Judges of the Court of Queen's Bench. Second Division: President—Master of Rolls; the existing Judges of the Court of Chancery, and the Judge of the Court of Admiralty. Third Division: The Judges of the