

SUGGESTIONS FOR THE AMENDMENT OF THE LAW—THE ADMINISTRATION OF JUSTICE ACT.

section is worded so as to refer the notice to the time of the registration, instead of the time of purchasing or paying his money."

IV. In view of the assembling of the Ontario House during this month, we may here be permitted to call attention to a curious blunder in "amending" the law which has had the effect of wiping out of our statute book that most valuable provision to be found in C. S. U. C., cap. 90, sect. 11, whereby contingent, executory and future interests in land may be seized and sold in execution by the sheriff. This most unfortunate result was blundered into by the following cunning manipulation. The above section was repealed and a new section to much the same effect substituted therefor by 24 Vict., cap. 41, sec. 8. But by 29 Vict., c. 24, sec. 2, the act 24 Vict., cap. 41, was repealed from and after the 31st Dec., 1865; and no subsequent enactment has restored the beneficial provision, to which we have called attention.

THE ADMINISTRATION OF JUSTICE ACT.

On the first day of January there comes into force that most important enactment "The Administration of Justice Act." It will effect great and necessary improvements in the administration of justice in civil cases, and would seem to be the first step towards a more complete system of procedure, enabling suitors to obtain full justice in a direct way from the tribunal to which they resort, unencumbered by needless technicalities, and unembarrassed by questions of jurisdiction.

The "Law Reform Commission," appointed to enquire into the present system, with especial reference to the "fusion," as it is called, of law and equity, were at first disposed, it is believed, to suggest a measure of a partial character, but it was understood that the

then administration, in which Mr. Crooks was Attorney General, objected to anything partial or incomplete, and desired immediate and thorough "fusion." A bill with this end in view was prepared by two of the commissioners, and printed as a basis for discussion by the commission. This bill covered a large portion of the work necessary to a complete procedure, but, before the day appointed for the meeting of the commissioners to discuss it, the commission was, for some reason, rescinded.

We think the first view of the commissioners, or of some of them, to effect the desired improvement by gradual changes, was the safer and better course, and it is the one which the present Attorney General, Mr. Mowat, has adopted. A complete change revolutionizing the whole system could not have been made without the greatest embarrassment to the judges and to the profession, and, what is not less important, great loss and inconvenience to suitors. If based entirely on common law views, the chancery judges and practitioners would have been at fault; if the whole common law practice and rules were at once abrogated, and chancery procedure pure and simple, enacted in their stead, the whole business of the courts must necessarily have fallen into the hands of the chancery practitioners at Toronto, and two-thirds of the judges would be at once required to administer an entirely new and unfamiliar code of procedure. And it is obvious that confusion, delay, and an enormous increase in law costs must have followed. Such a change would have been a great evil, and would not long be tolerated by the profession at large.

Mr. Mowat has taken the middle and, as we think, the safer course. He has not ignored the condition of things in the country; he has not lost sight of the fact that, probably, three-fourths of the Bar of Ontario are only exercent in one branch of