

THE ENGLISH JUDICATURE ACTS.

tion of the original Act till November 1875; the remainder relating chiefly to the formation of a Court of Appeal. These two statutes are known as the Supreme Court of Judicature Acts, 1873 and 1875.

In the schedule to the Act of 1873, the outlines of a system of procedure were laid down. These were to be binding until altered by the body of the judges after the Act came into operation. This Act also empowered the Queen in Council, on the advice of the judges, to issue rules to complete the system of procedure. Rules were accordingly framed and approved by the judges, and issued in the summer of 1874. These rules have been pronounced by one of our own judges, well fitted to form an opinion, to be models of drafting. In the schedule to the Act of 1875 all the rules—both those comprised in the schedule to the first Act and those framed by the judges—are inserted in a consolidated form, while power is still reserved for the creation, by the judges, of additional rules.

Such is a brief history of the legislation which has made so sweeping a change in the administration of law in England. Let us now glance at the main provisions of that legislation.

The High Court of Chancery of England, the Courts of Queen's Bench and Common Pleas at Westminster, the Court of Exchequer, the High Court of Admiralty, the Court of Probate, the Court for Divorce and Matrimonial Causes are, by these Acts, united and consolidated together, and now form one Court, the Supreme Court of Judicature in England. The Supreme Court, however, as such, will exercise no jurisdiction. It is divided into the High Court of Justice and the Court of Appeal.

To the High Court of Justice now belongs the whole of the original juris-

diction of the Courts we have just enumerated.

This Court is subdivided into five divisions, perpetuating, in accordance with the advice of the Commissioners, the names of the Courts of Chancery, Queen's Bench, Common Pleas, Exchequer, and Probate, Divorce, and Admiralty, the last named courts forming one division. Any judge may sit in a court belonging to any division, or for any other judge.

The great evil attacked by the Judicature Acts was the possibility that a suitor in one Court might fail of obtaining the relief to which the law recognised his right, although in another Court, had he applied there, he would have procured that relief. To obviate this contingency there are several express provisions. Each branch of the High Court is empowered, nay is required, to give any appropriate relief or remedy which could heretofore have been given by any Court to all or any of the parties to the action.

There are rights which equity recognises and enforces and of which the Common Law takes no notice, rights, for instance, arising out of estates which are recognised in equity but entirely ignored at law. Under the new system, subject to the power of transfer, equitable grounds of claim are to be fully recognised in each division and fully enforced. At the same time, each division is to give due effect to legal rights. Furthermore, as to cases where there has been an actual conflict of doctrines between courts, the Judicature Acts enumerate a number of the points on which such a conflict has existed, and declare what the law shall be for the future. Equitable doctrine is to prevail in cases not specially provided for.

But it must not be supposed that a plaintiff is at liberty to prosecute his action to its close, irrespective of its nature, in any division of the court. The acts assign to each division certain causes of action analogous to those over which,