

THE ENGLISH JUDICATURE ACTS.

The second section of that act gives the right to sue at law in case of a pure money demand, although the plaintiff's right to recover may be an equitable one only. We have already called attention to the desirability of amending the law in this direction; the judges have on more than one occasion called attention to the imperfection of the law under the Common Law Procedure Act; and we trust it may be found that one result of the Act of 1873 is to remedy this defect, so as to enable the court to realise equitable debts by process of garnishment for the benefit of execution creditors.

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More than twenty-five years ago, the great revolution in the administration of justice in England, which has culminated in the Supreme Court of Judicature Acts, received its first impulse. The commission appointed in the year 1850 to inquire into the constitution of the Common Law Courts, reported that it appeared to them that the Courts of Common Law, to be able satisfactorily to administer justice, ought to possess, in all matters within their jurisdiction, the power to give all the redress necessary to protect and vindicate Common Law rights, and to prevent wrongs, whether existing or likely to happen unless prevented. They also urged that a consolidation of all the

elements of a complete remedy in the same Court was obviously desirable, not to say imperatively necessary, to the establishment of a consistent and rational system of procedure.

The commissioners appointed in 1851 to inquire into the constitution of the Court of Chancery made suggestions of a similar character. They dwelt upon the necessity of a transfer or blending of jurisdiction, so as to render each Court competent to administer complete justice in cases falling under its cognizance. The labours of these commissions, as is well known, effected vast improvements in procedure, but their recommendations touching the blending or consolidation of the distinct jurisdictions remained to gain the approbation of a later day.

In the year 1867 a royal commission was again nominated, to inquire generally into the constitution of the Superior Courts. In their instructions the subject of a union or consolidation of courts, or an extension of jurisdiction where one court did not possess as full powers as another, had a prominent place. That commission, after forcibly pointing out the evils of the distinct and, in many cases, conflicting jurisdictions, reported that in their opinion the first step towards meeting and surmounting these evils would be the consolidation of the Superior Courts of Law and Equity, together with the Courts of Probate, Divorce, and Admiralty into one court, in which all the jurisdictions of the several courts so consolidated should be vested.

In 1870 Lord Hatherly introduced a bill into the House of Lords to give effect to these suggestions. This bill was withdrawn. In 1873 Lord Selborne, who had succeeded to the Chancellorship, framed and introduced a bill which, with but little alteration became law as the Supreme Court of Judicature Act, 1873. In 1874 Lord Cairns introduced an amending Act, postponing the opera-

* The Supreme Court of Judicature Acts, 1873 and 1875, with notes, by Arthur Wilson, of the Inner Temple, Barrister-at-Law. London: Stevens & Sons. Toronto: R. Carswell.

The Supreme Court of Judicature Acts, 1873 and 1875. Edited by William Downes Griffith, of the Inner Temple, Barrister-at-Law, late Her Majesty's Attorney-General for the Cape of Good Hope. London: Stephens & Haynes. Toronto: R. Carswell.