

THE JUDICATURE ACT.

preme Court ; (2) Jurisdiction and Law ; (3) Sittings and Distribution of Business ; (4) Trial and Procedure ; (5) Offices and Officers ; (6) Jurisdiction of County Courts ; (7) Miscellaneous Provisions. The one great aim is, of course, the fusion of law and equity. For this purpose the reconstitution of the Courts, and the introduction of a new practice have been thought necessary, in order to bring about a uniform system, under which law and equity will be concurrently administered. The Court of Appeal and the Superior Courts of Law and Equity are consolidated into one Supreme Court, which will not, however, in point of fact, as such, exercise any jurisdiction. The Supreme Court is divided into two permanent divisions, one to be called "The High Court of Justice for Ontario," and the other "The Court of Appeal for Ontario." All the jurisdiction of the Superior Courts, and of Assize, Oyer and Terminer and Gaol Delivery, is transferred to the High Court. The Court of Appeal will have all the powers of the existing Court of Appeal. Effect will be given to the equitable rights and remedies of plaintiffs, and also to the equitable defences of defendants. The Courts will give effect to counter-claims of defendants ; will take incidental notice of the equities of other parties ; will stay proceedings by its own order ; will give effect to legal rights and remedies, and will, by rule, prevent multiplicity of proceedings. To prevent any conflict with the rules of the Common Law, and of Equity, the law is expressly declared on certain points, and it is enacted generally that, in all cases not enumerated, the rules of Equity are to prevail.

The High Court is to consist of three divisions, namely, the Queen's Bench Division ; the Chancery Division, and the Common Pleas Division. Certain

matters of an administrative character are specially assigned to the Chancery Division, but other causes may be assigned to any Division. In case a cause is assigned to a wrong Division, or if for any other reason it seems advisable, a cause may be transferred from one Division to another. All business is, as far as practicable, to be heard by a single Judge ; and any proceedings after trial are, if possible, to be conducted before the Judge who tried the case. Contrary to the provisions of the English Act, each Judge is required to decide all questions coming properly before him. The Judges are given large powers as to making Rules, and are to meet once, at least, in every year, to consider the operation of the Act, and of the Rules of the Court for the time being in force, and are to report annually what amendments (if any) they would suggest.

By the Rules of Court, in the first schedule of the Act, it is provided that all actions are to be commenced by writ, on which is to be endorsed "a statement of the nature of the claim made, or of the relief or remedy required." If a writ is not served within six months from its date, it shall no longer be in force, unless leave to renew it is obtained. When a defendant appears to a writ specially endorsed, the plaintiff may call on him to show cause why judgment should not be signed for the amount endorsed, with interest and costs ; and unless the defendant shows good cause to the contrary the plaintiff may obtain leave to sign final judgment. In cases also in which the writ is endorsed with a claim for an account, such as an ordinary trust account, even though the defendant appears, an order for the amount claimed will be made, unless it is shewn that there is some preliminary question to be tried.

A uniform system of pleading is pro-