

## THE JUDICATURE ACT.

transfer or blending of jurisdiction between the Courts as at present constituted, and that the first step towards meeting and surmounting the evils complained of will be the consolidation of all the Superior Courts of Law and Equity, &c., into one Court . . . in which shall be vested all the jurisdiction which is now exercisable by each and all the Courts so consolidated. This consolidation would at once put an end to all conflicts of jurisdiction. No suitor could be defeated because he commenced his suit in the wrong Court; and sending the suitor from equity to law or from law to equity, to begin his suit over again in order to obtain redress, will be no longer possible. All suits should be instituted in the Supreme Court, and not in any particular Chamber or Division of it; and each Chamber or Division should possess all the jurisdiction of the Supreme Court with respect to the subject-matter of the suit, and with respect to every defence which may be made thereto, whether on legal or equitable grounds, and should be enabled to grant such relief or to apply such remedy or combination of remedies as may be appropriate or necessary in order to do complete justice between the parties in the case before the Court, or in other words, such remedies as all the present Courts combined have now jurisdiction to administer."

In order to facilitate the transition from the old system to the new, the Commissioners recommended that the existing Courts should retain their distinctive titles and constitute so many Chambers or Divisions of the Supreme Court.

In 1870, Lord Hatherley introduced a Bill to carry out the recommendations of the Commissioners; but this Bill, after much discussion, was withdrawn. In

1873, Lord Selbourne introduced another Bill, which, after careful consideration by a select committee of the House of Lords, became law, and which, together with a bill introduced by Lord Cairns and passed in 1875, constitute substantially the Supreme Court of Judicature Act now in force in England.

In introducing the Act of 1873, Lord Selbourne said, "Four points have become settled in the minds of those who best understand the subject as well as in the mind of the public. The first is the artificial separation of legal and equitable jurisdiction, such as in principle never did exist and does not exist in any country in the world except those which have borrowed our system. . . There has been a conviction that, whatever else ought to have been done, we must put the finishing stroke to measures of a more particular character adopted in the same direction by bringing law and equity into one single administration in the Courts of Law of this realm. The second point is, that we must bring together divided Courts and divided jurisdiction by erecting or rather re-erecting a Supreme Court, which, operating at various points and with a number of judges, should still exercise an undivided jurisdiction combining all the jurisdiction of all the Superior Courts. The third point is, that it is desirable to provide, as far as possible, for cheapness, simplicity and uniformity of procedure. The fourth point is that is necessary to improve the constitution of the Courts of Law."

It is the law which has been framed in England on these principles which it is now proposed to introduce into this Province, by the Ontario Judicature Act, with such alterations as seemed advisable.

The Bill is divided into seven parts:—  
(1) Constitution and Judges of the Su-