

THE JUDICATURE ACT.

So, after all, it may not be necessary to remove him, but rather to pass an Act, which in such case would be desirable, to protect him from actions of trespass innumerable, including possibly a case where capital punishment was involved, which then might or might not come under the category of "Killing no murder."

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In directing attention to the Judicature Bill introduced into the Ontario Legislature, on the 14th of January, by the Attorney-General, it may perhaps be of advantage to glance briefly at the history of the English Judicature Act, in order that a true estimate may be obtained, as well of the reforms proposed as of the consideration bestowed in carrying out those reforms.

In the year 1850, a Commission was appointed in England to inquire into the constitution of the Courts of Common Law; and this Commission reported 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;" and further, 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." In 1851, another Commission was appointed to inquire into the constitution of the Court of Chancery, and this Commission reported that "a practical and effectual remedy for many of the evils" which existed might "be found in such a transfer or blending of jurisdiction, coupled with

such other practical amendments as will render each Court competent to administer complete justice in the cases which fall under its cognizance."

In consequence of these reports, some changes were made by which the procedure of the Courts of Chancery and Common Law was improved; but the changes made proved wholly inadequate.

In 1867, another Commission was appointed to inquire into the operation and effect of the constitution of the Court of Chancery, the Superior Courts of Common Law, &c., and into "the operation and effect of the present separation and division of jurisdiction between the said several Courts . . . and generally into the operation and effect of the existing laws, and arrangements for distributing and transacting the judicial business of the said Courts respectively, as well in Court as in Chambers, with a view to ascertain whether any, and what changes and improvements . . . may be advantageously made so as to provide for the more speedy, economical and satisfactory dispatch of the judicial business."

The Commissioners (of whom Lord Selborne says they were the best that could possibly have been appointed) issued their first report in March, 1869. In this report they directed attention to the division of the Courts and the distinction between Common Law and Equity, which had "led to the establishment of two distinct systems of Judicature, organized in different ways, and administering justice on different, and sometimes opposite principles, using different methods of procedure, and applying different remedies." After pointing out the evils of the old system, and the inadequacy of the remedies so far applied, they proceeded, "We are of opinion that the defects adverted to cannot be completely remedied by any mere