

THE ADMINISTRATION OF JUSTICE ACT—CURIOSITIES OF LAW.

procedure, that they have little acquaintance with the details of chancery practice. His act, while correcting some admitted defects in the law, and in procedure, and modelled with a very decided equity expansion, does not disturb the existing tribunals, does not abrogate any existing system, nor unduly favor either; it apparently is designed to familiarise those having the conduct of business in the courts, with the application of equitable doctrines and rules by means of an ordinary common law procedure for the most part; in a word, it is not a revolutionary measure, but a safe reform, educating for a more complete change. No doubt it is in a certain sense experimental, and one quite understands there is more or less repulsion to change in the well ordered legal mind; and with those educated in a particular practice, and familiar with it for many years, a prejudice not unnatural is fostered by the indisposition to enter upon the labour required to master a new one; but we are sure that all whose duty it will be to administer the new law will be willing to encounter what is necessary and disposed to give the new law a fair trial. Its practical value must depend a good deal on such favourable disposition.*

One thing is certain, that the strong and general feeling in favor of radical reform in our system of procedure, will find

*The English Judicature Act is also entering on trial. A paper recently read before the Metropolitan Law Association, speaking of the Act, says: "It was a great experiment. Whether it will turn out for the next twenty years, until a new race of men are the Bar and the Bench, a blessing or a curse would depend on the temper in which the common law judges interpreted and adopted it." The English Act no doubt works a complete change, and almost wholly in the common law practice, while Mr. Mowat's Act deals with the subject only in part, and in a fairer spirit we think to the practitioners in Ontario; but still there can be small doubt what the result will be if the judges receive it in a captious, hostile spirit.

vent in some way, and if cautious and gradual changes are not accepted large and sweeping ones will be rashly and recklessly urged forward in their stead. We have endeavored, in former numbers, to assist to a proper understanding of some of the leading provisions of the new Act, and, as they come to the test of actual practice, we shall endeavor to keep our readers early advised of the cases and decisions as they occur, for we wish to see the new law fairly tried and candidly judged.

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The island of Jersey has long been notable for its singular system of law and the still more unique manner in which it is administered. Cases occasionally crop up which inform the outside world of the progress of jurisprudence in its insular peculiarity under the presidency of the sage jurists of Jersey. Such was the petition of *The Jersey Bar* heard before the Privy Council and reported in 13 Moo. P. C. C. 263, from which it appears that the six advocates who practiced in the *Cour Royale* objected when the Bar was thrown open by the act of 1859, and in any event claimed compensation for the loss of vested rights. Notwithstanding their exceeding pluckiness in bringing the hardship of the case before the Privy Council, yet they took nothing by the appeal.

There is at present another case pending in appeal before the same august tribunal from the decision of the ten judges of the Royal Court of Jersey. From time whereof the memory of man runneth not to the contrary the jurists of Jersey have been wont once in each year on the opening of the Court of Heritage to dine together in a hotel at St. Heliers. The records of the Court are said to contain entries so far back as the year 1616 regarding dinners "being provided as