the same court and before the same judge, carried on under three different forms of procedure, and controlled by three different courts of appeal. In this case, therefore, although we appear at first sight to have obtained that great desideratum, which the Common Law Commissioners call 'the consolidation of all the elements of a complete remedy in the same court,' yet, as that remedy can only be had in three separate suits, the evil is equally great."

The Report having thus pointed out the existing evils, proceeds to recommend their remedy. This we think it expedient to give in the Commissioners own words:—

We are of opinion that the defects above adverted to cannot be completely remedied by any mere 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, together with the Courts of Probate, Divorce, and Admiralty, into one court, to be called "Her Majesty's Supreme Court," in which court 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.

The Supreme Court thus constituted would of course be divided into as many chambers or divisions as the nature and extent or the convenient despatch of business might require.

All suits, however, 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 adminster.

We consider it expedient, with a view to facilitate the transition from the old to the new system, and to make the proposed change at first as little inconvenient as possible, that the Courts of Chancery, Queen's Bench, Common Pleas, and Exchequer, should for the present retain their distinctive titles, and should constitute so many chambers or divisions of the Supreme Court; and as regards the Courts of Admiralty, Divorce, and Probate, we think it would be convenient that those courts should be consolidated, and form one chamber or division of the Supreme Court.

It should further be competent for any chamber or division of the Supreme Court to order a suit to be transferred at any stage of its progress to any other chamber or division of the court, if it appears that justice can thereby be more conveniently done in the suit; but except for the purpose of obtaining such transfer, it should not be competent for any party to object to the prosecution of any suit in the particular chamber or division in which it is being prosecuted, on the ground that it ought to have been brought or prosecuted in some other chamber or division of the court. When such transfer has been made, the chamber or division to which the suit has been so transferred will take up the suit at the stage to which it had advanced in the first chamber, and proceed thenceforward to dispose of it in the same manner as if it had been originally commenced in the chamber or division to which it was transferred."

That this, or something tantamount to this, is the true remedy for which we have so long been seeking, we have little doubt; and although not the same in form, it is practically the same thing on a more complete scale as the proposition made some years ago in this journal, that no suit in equity should fail solely on the ground that the remedy was at law, but that the Court should have power on motion at any time before issue joined (but not after) to remove the record into a court of law, which should try the questions arising upon the pleadings as issues to be settled, if necessary, by the judge, on the system now, or lately, prevailing in Ireland. The only practical difference between the two suggestions is that that of the Commissioners embraces "all courts and causes whatsoever," and is put into a form apt for that purpose, whereas we had only under consideration the particular case of a suit in equity, and proposed a remedy adapted to that case only.*

The report then takes up the question, which the Commissioners describe as "important and difficult," as to the number of judges who should ordinarily sit together, and they come to the conclusion that for a court of first instance a single judge is sufficient, although they recommend that for the present the system of sitting in banco in Courts composed of *not more than* three judges should be continued in the common law divisions of the Court. From this recommendation we feel compelled, not without hesitation and reluctance, to dissent: we entertain a strong opinion that no final decree or order whatever should be made, except by consent of the parties, by a single judge, and that instead of extending the system now prevailing in chancery to the common law divisions of the proposed Supreme Court, it would have been better to constitute a full Court, consisting of *not less than* (instead of "not more than") three judges, who should hear and determine all contested causes. As the details of our proposal for this purpose, showing that it would not require any greater addition to the

* In fact, our remarks were caused by the result of a suit then recent, in which, after the cause had been duly brought to the hearing, and both sides had gone at great length and considerable expense into the merits of their respective case, the Vice-Chancellor (Wood), after expressing a strong opinion that the plaintiff was right on the merits, felt himself obliged to dismiss the bill with costs, because the bill of exchange, to restrain the negotiation of which the suit was brought, had been, in fact, discounted a day or two before the bill was filed, so that, at the time *of the institution of the suit*, the plaintiff's was "*a mere* money demand."—E. A. M.