

CORRESPONDENCE.

matters to put you in my place, as however insufficient my acts may be, the English Act works still worse.

Is that the way such a subject should be discussed? Is it not, on the contrary, merely evading discussion of it for some party end? If, as I suppose, we ought to assume, those gentlemen informed themselves as they ought to have done before alluding to it, why could not Mr. Macdougall admit, as the fact is, that such English Act has not accomplished all it aimed at, and shew as he easily could, and as Mr. Mowat probably would not deny, that the only reason that English Act did not accomplish all that is required and prove a complete success was because it omitted to do what Canadian lawyers twenty years ago, in your pages, pointed out was necessary to make such an Act a success, and why could not Mr. Mowat, well knowing that there is no impossibility in the way of passing a thoroughly satisfactory and perfect Fusion Act for Ontario, give some reasonable explanation of his reasons for not attempting to do so?

The partial failure of the English Fusion Act is solely attributable to the following imperfections in it which are easily avoidable, viz.: the English Legislature imagined that it was enough if they enacted per stat., that from and after a given day all their Courts of Law and Equity should be fused, without, after fusion, supplying them with any new and more comprehensive system of practice or procedure, or any better appliances than each of them had before, to grapple with and transact the new enlarged and entirely different volume of business they were expected to administer and adjudicate; a blunder as glaring as if they had enacted that from and after a given day, every ordinary old half inch auger, every time it was used for boring, should make a two inch auger hole, instead of, as theretofore, only a half inch auger hole.

What, however, most astonishes me is

that Mr. Mowat should thus place so low an estimate upon his own abilities and those of the rest of the profession, as to take it for granted none of them at this day can do more than merely hunt up and copy some English statute, changing the word "England" into "Ontario," wherever it occurs; and that if every English statute fails through even such apparent and easily avoided deficiencies to attain its object, that failure while it lasts must estop every one in Canada from attempting, even in the proper way which insures success, anything similar.

Only think how humiliating to us all it would be if that estimate were the correct one. It would shew a woeful degeneration within the last twenty years. Certainly twenty years ago and earlier we had amongst us many who could and did think and act originally, and most usefully, upon the subject of law reform, and who were far in advance not only of the English Law Reformers of their day, but also of the present English Law Reformers. But even if it were true that we can do nothing now but copy, why not copy those of our own instead of the inferior work of foreigners?

And now as to the proof of what I have above written. Any intending Canadian Law Reformer can, and the English Law Reformers also could (if it would not have been beneath their dignity) obtain from your pages enough to insure successful, thorough fusion of law and equity. The full and complete enunciation of the principles upon which the necessary legislation should be based, there to be found, must make the Fusion Act a complete success instead of a partial failure. I shall simply refer your readers to your journal for the years 1857, 1858 and 1859, under the heading "Chancery," in the index of each of those Vols., and particularly to the letters of "A City Solicitor," (3 U.C. L. J. 223 and 4 U.C. L. J. 71). There is there, however, other