

ADMINISTRATION OF JUSTICE.

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We have just received a copy of the Bill submitted to the Provincial Legislature by Hon. Attorney-General Mowat, entitled "An act for the better administration of Justice in Ontario."

The Bill, though brief, will effect most material alterations in our judicial system, and it has evidently been prepared with great care. Without committing ourselves to all its provisions, we may say that the hasty examination we have made has impressed us most favorably with the measure, and we commend it to the fair and candid consideration of every member of the profession in the legislature.

When the *Law Journal* was commenced nearly twenty years ago, it was announced to be wholly and exclusively a legal publication, and we added "it is almost needless to say we can have, editorially, no politics." Perhaps it is too much to hope that lawyers in the House can approach the consideration of legal measures submitted by their political opponents in the same spirit—though in the best interests of law reform, we would it were possible—and the Attorney-General, we think, may reasonably claim a fair and candid consideration of his measure. No doubt he will be prepared to listen with candour to any suggestions that may be offered, or to any objections that may be urged by those competent to form an opinion on both sides of the House. Nor ought the fact that it is in his power to secure a majority for any legal measure the Government may submit, render him impatient of fair discussion on the merits, or intolerant of suggestions for improvement in the Bill.

Few lawyers are insensible to the anomaly which the distinction between "Law" and "Equity" produces in our system of jurisprudence; different courts of Justice, administering justice on different, and sometimes antagonistic

principles—rights held entitled to consideration and protection in one court, not acknowledged in the other. The abstract truth will be denied by none, that in whatever courts justice may be administered, uniform principles should prevail—principles most consonant to rational justice. How this may best be accomplished has been earnestly debated for more than half a century in England, and of late years the subject has engaged the attention of thinking men in Canada. One mode has been suggested, "The fusion of Law and Equity," as it has been called—fusion immediate and complete. Another mode, by cautious, gradual improvements, commencing with the most salient points, removing the anomalies, imperfections and defects in each system, and bringing them into unison—making in the end Law and Equity one and indivisible.

The first plan was supposed to find favour with a former Government, and perhaps there is even one gentleman in the present Government who would not hesitate to exercise at once all the absolute and despotic power the Prætor possessed under the Roman constitution, and in one brief clause dethrone and banish the *Common Law* into the land of forgetfulness, placing the *genius of Chancery* in its stead. However that may be, Mr. Mowat as the head of the Government seems to have adopted the latter and safer plan; the even tenor of the magisterial pursuits, with its responsibilities, has taught him doubtless to distinguish between law reform and revolution; and broader and better views of the requirements of an enlightened jurisprudence have shown him that to subvert with one blow a system which has grown with our growth, and which is so intimately interlaced with our relations and dealings, would be little short of madness. In a word, the head of the Ontario Government recognizes the fact that to destroy one