

CORRESPONDENCE.

blind lands from the time of docketing and not from the entry of judgment. From this it is probable that the English courts, in considering *Sutton v. Sutton*, and *Fearnside v. Flint*, had no occasion to, and did not, allude to the effect docketing judgments once had on land in England.

From all this it would appear that the effect of docketing judgments in England, abolished nearly fifty years ago, will not assist either the Courts of Appeal in England or here to harmonize hereafter on the subject of "Limitation of Certain Actions." My own views on this important question were advanced for me by the counsel in *McMahon v. Spencer*, 13 A. R. 430, in which case, however the court, were not I apprehend, embarrassed by the conflicting opinions of the courts hitherto as to the ten or twenty years' limitation, for the judgment was over twenty years old, and nothing regularly done upon it for that time. But as the late Chief Justice Moss seemed to have misgivings, and would have agreed with Gwynne, Morrison and Wilson, JJ., had it not been for *Hunter v. Nockolds*, a pretty good guess can be given, (although Ardagh, Co. J., in *Somers v. Kenny*, says we have no means of knowing what the Court of Appeal may do when the ten or twenty years shall come up squarely again before them,) if meantime the two English cases should stand unreversed by the Privy Council.

Yours, etc.,

A. R. DOUGALL.

Belleville, 8th March, 1887.

FUSION OF LAW AND EQUITY.

To the Editor of the LAW JOURNAL.

DEAR SIR,—The Bar associations of this and other counties have passed strong resolutions bearing upon the importance of fusion of law and equity not only in name, but in reality; but another example of the "waste of judicial force" has occurred here to-day, showing the necessity of immediate action and the practical carrying out of the outspoken opinions of the profession here and elsewhere throughout the Province.

The learned Justice, to whom was assigned the duties of taking the "old-fashioned hearing" of the Chancery Division, arrived here this morning in due course, made his bow to about six people in the court room, heard one of the two cases "set down," was informed that the other case had been settled, and thereupon, after about three hours

session, closed the court, which, by the way, will be opened again in a fortnight by another learned Justice, from the Common Law Division, who will conduct what is known as "an assize," though the case heard to-day might quite as readily have been disposed of at such assizes.

Surely, Sir, it is time this farce, repeated here every spring and autumn, be put a stop to, and the strength of the Bench concentrated and made more practically useful by doing away with two sessions of the court (I use the expression advisedly, as there is practically now one court at Osgoode Hall, though it may have the character of a trinity), and arrangements made to dispose of the civil and criminal business of the Province, not by piece-meal as is now the case, but by two or three sittings equally distributed throughout the year, and presided over by Judges of the court irrespective of the peculiar nature of the business they may have been heretofore in the habit of "practising."

This, and this only, is the way the business can be properly, expeditiously and economically despatched, and is the way, no doubt, contemplated by the Judicature Act, or perhaps better styled the "Fusing Act."

The hitherto tranquil state of our local bar has been somewhat disturbed by an agitation for the appointment of a junior Judge, which we have always managed to do without, and the only necessity for which it is urged is the occasional absence of the County Court Judge upon protracted outside arbitrations; but these gentlemen, forgetting again their resolutions that the practice should be more thoroughly fused, and ignoring the fact that there are two Masters in Chancery, have not thought fit to urge the extension of their powers to enable them to take the work of County Court Chambers (when the County Court Judge may be absent) rather than the appointment of some member of the profession, who, from the very nature of the emoluments attached to the office, must necessarily be one not enjoying a large or remunerative practice, and could therefore hardly be looked upon (if he be appointed) as lending any great strength by his experience to the Bench of this county.

Yours, etc.

B.

Hamilton, March 28, 1887.