

another commerce spurns the law," and that "some time ago it was recognized in judicial circles with dismay that merchants and bankers and city men generally were conspiring to give the courts a wide berth." Your article agrees with this, and notices the tendency towards arbitration as the best means of adjusting differences, and gives excellent reasons why it should be so. The courts are necessarily bound by the letter of the law when it is clear, and when it is doubtful can only interpret it within very narrow limits; and though they no doubt strive to make their interpretation consistent with substantial justice and the moral law, they can only effect this in a very small degree; and, though it is said by good authority that Christianity is part of the law of England, a judge seldom cites the Sermon on the Mount, or the Ten Commandments, or even the last four of them. Sir John Thompson's new criminal law bill of 1007 clauses in 310 pages is certainly an earnest endeavour to state their intention in detail, so that the courts may be able to apply and enforce them in what are called criminal cases, though they are, in fact, equally applicable to civil ones. Arbitrators can, or ought, to be enabled so to apply and enforce them, and to a great extent they do so by taking into consideration circumstances, customs, practices, and understandings, all important to decisions consistent with equity, good conscience, and Christianity; and therefore arbitration courts of conciliation, boards of trade, and like institutions, are preferred, not only by commerce, but for the settlement of disputes of any kind in which both sides really wish that justice may be done. And this arises, not from any fault of the courts or judges, but from the impossibility of making laws that shall clearly provide for all possible cases in any way but by the arbitrament of honest men perfectly competent *experts* in the matters submitted to them. It is but natural that commerce should prefer such arbitrament to the doubtful experiment of a lawsuit, which may be prolonged indefinitely by the ingenuity of brilliant advocates holding it their duty to raise every possible objection to the arguments on the opposite side, and by the doubts which the most able and impartial judge must often feel amongst the vast multitude of cases and precedents bearing more or less on the case before him. Equity is said to *follow* the law, and it certainly does not seem well calculated to outstrip it in speed. Might not some hints for improvement be found in the newer United States, in which it is said that the distinction between the two sister faculties is not admitted, nor separate courts provided for administering them?

Indeed, English law seems to stand alone in Europe in its estrangement from its more amiable and generally esteemed relative. In your reconstruction of the Ontario courts, can you not abolish their supposed difference and make them one in name, practice, and spirit? Try.

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