

AMALGAMATION—OUR LAWS AND LAWYERS.

DIARY FOR JULY.

1. Wed.. DOMINION DAY. Long Vacation begins. Last day for Co. Clerks finally to examine Asst. Rolls, and equalize Rolls Local Municip.
2. Thurs. Error and Appeal Sittings.
5. SUN. 4th Sunday after Trinity.
6. Mon.. County Court and Surrogate Court Term begins. Heir and Devisee sittings commence.
11. Sat. . . County Court and Surrogate Court Term ends.
12. SUN. 5th Sunday after Trinity.
14. Tues. Last day for County Judges to make return of appeals from assessments.
19. SUN. 6th Sunday after Trinity.
21. Tues. Heir and Devisee Sittings end.
22. Wed.. St. Mary Magdalene.
26. SUN. 7th Sunday after Trinity.

THE

Canada Law Journal.

JULY, 1868.

AMALGAMATION.

By this word we refer to the system which prevails in this country as well as in the United States, as to the union of those two branches of the profession which, in England, are distinct. The articles copied from two English periodicals, and which originated in the remarks of Mr. Justice Hannen, a person, we believe, eminently capable of forming an opinion on such a subject, have drawn our attention to this matter.

The periodicals referred to differ in their views, and one can see both sides of the question, so far as they present them. In this country, where the amalgamation system obtains in full force, we can, from practical experience, form a much better opinion of the advantages and disadvantages of the respective systems than can be gained from mere theory.

As no change is contemplated in this country it is scarcely worth while discussing the subject at any length; but we think that that system which adapts itself to the wants of the people must necessarily be the best, and that strict rules which hamper the conduct of business are to be deprecated as, in general, injurious. The practical result of our system is to make the two branches of the profession distinct in many cases where it is advisable that they should be so distinct; but as this distinction is principally a matter of convenience, and the result of natural causes, it is less likely to be liable to the objections which, in a greater or less degree, arise from the rigid enforcement

of rules of professional etiquette, many of which are, undoubtedly, detrimental to the interests of clients, without any corresponding benefit to the profession.

OUR LAWS AND LAWYERS.

We give below some extracts from an interesting lecture on the above subject, lately delivered by Mr. J. C. Hamilton, barrister-at-law. Though intended for the edification of a mixed audience, the essay contained many things which will, we think, be interesting to many of our professional readers. With this in view, we give such extracts as our space permits, thinking that anything light in the way of legal literature is in keeping with the season and the weather. The lecturer thus pleasantly sketches the Court of Chancery; and his remarks are somewhat significant that the writer practices principally in the west wing of Osgoode Hall:

"It is a heavy and encroaching court—a court to be avoided by all sinful men; a court of equity and good conscience, where natural feelings are sacrificed to justice, and 'attachments' are formed and used only as a means of torture. It is a court of numerous officers, many of whom tax costs, some of whom tax our patience. Often attacked, it has still survived, and even grown in bulk and power, and is now an 'indefeasible title' court. Its decrees are not, like judgments at law, unilateral or confined in scope and object, but may—and in practice often do—fearlessly examine all claims to the subject in dispute, and finally settle them.

It protects infants, guards the imbecile and lunatic from rapacity, comes between husband and wife, and has even tender regard to the fairer and frailer portion of the race.

Its judges are our modern knight-errants. They lay bare many a hidden fraud. Airy castles are tumbled down by their injunctions. They unravel many a tangled skein, or cut the Gordian knot of complicated accounts and encumbered estates, and have many an Augean stable to cleanse. Common law judgments are often, in effect, made void, or their operation stayed, by Equity decrees. Some of the general orders materially intrench upon Acts of Parliament.

With this insight into the scope of many suits in Chancery, you may see good reason for their longevity. The solicitor, unlike the attorney, has this happiness—the little bill which he files to-day may become his life-long friend, though it, like Pallas, spring but from his labouring brain,