

reprobation almost universally manifested at the act, will for the future prevent political intrigues from culminating in judicial declensions. We know of no precedent to fit this case, though possibly one might be found in the United States, but Heaven forbid that we should seek for one there; any analogy from miscalled precedents in England is against such a step. These may perhaps be considered in a future number.

LAW REFORM.*

It is almost impossible to take up any journal, whether lay or legal, without finding somewhere in it a reference to the topic which we have placed at the head of this article. The alterations which have taken place in English law within the last few years have been neither few nor small, yet they seem to be but shadows of coming changes of far wider scope and consequence. Unquestionably, there is in the legal circles of the mother country a strong tendency towards the codification of the laws; we think it needs no great wisdom to predict that this will be a result, the accomplishment of which is no more than a question of time. Probably before this consummation is reached, there will be many intermediate changes and modifications of the existing system, such, for instance, as are foreshadowed in Sir John Cole-ridge's address at the Social Science Congress. By these the various branches of the law in the matter of evidence, of commercial law, of real property law, and the like, will be systematized by way of codification. By process of complete codification the principles of law will be more or less changed: matters doubtful will be reduced to certainty; harsh rules will be mollified by direct enactment; consistency and logical development will supersede the disjointed and anomalous conglomeration of case-made law.

But in the immediate future, perhaps, there is no more pressing question than that of uni-

formity of curial procedure, and, coupled with this, the re-adjustment of the jurisdiction of the courts, so that any person who has a valid cause of action, whether legal or equitable, or both, may obtain an adjudication of his case upon the merits, without being driven from one court to another, on technical objections to the jurisdiction.

In this Province there has been a gradual assimilation of the practice in the courts of law and equity. This is especially noticeable in the mode of trying causes by the Court of Chancery under the circuit system, where the evidence is given *viva voce* in open court, the case argued at once and disposed of by the judge, just as in *Nisi Prius* cases, where a jury is not asked for. So in the establishment of local offices to facilitate the transaction of equity work, the Court of Chancery in Ontario has departed widely from English precedent, though it has acted in conformity with the common law mode of distributing business. As regards the jurisdiction of the courts: when one looks at the Common Law Procedure Act, and observes in how many points the systems of law and equity touch, and when one looks at the reports, and observes in how many cases litigants have been prejudiced because courts of law and equity have not had co-ordinate jurisdiction,—one cannot but wish that some scheme were devised whereby the vexatious lines of demarcation might disappear and (in the language of a well-known pleader, who now adorns the bench of one of the common law courts) “the course of justice flow unobstructed.”

The conditions for the successful consummation of such a plan are more favourable in Ontario than in England. Besides the present similarity of procedure, to which we have adverted, which does not obtain in the English courts, we have not the numerous, well-disciplined, and devoted Chancery and Common Law Bar, which in England is powerful enough to delay the adoption of changes, beneficial to the public, though conceived to be detrimental to the privileged few.

There are two modes whereby the injustice to suitors which we have indicated may be remedied. The first is to leave things as they now are in respect to jurisdiction and procedure, and to confer upon the superior courts, by statute, the power to transfer causes from one court to the other, so that a common law cause of action which has strayed into Chan-

* We have much pleasure in inserting this article, from the pen of a valued occasional contributor. He expresses his views clearly and well; but whilst we admit this, we cannot say that he has convinced us that the practice in Chancery should prevail, in case of a fusion, over that at Law. We are not yet prepared to believe that the Common Law Procedure Act is inferior to the ever changing orders of the Court of Chancery, as a basis of procedure. And without going into a further discussion at present, it is an item for consideration that the practice under the C. L. P. Act is more familiar with the profession at large than the other, and could, as is believed by many good judges, more easily be adapted to the future requirements of the country, than the practice of equity; but we will not spoil a good cause by a brief notice of only a few of the arguments which may be adduced in favor of the opinion which seems to us the soundest.—Eps. C. L. J.