

CORRESPONDENCE—FLOTSAM AND JETSAM.

able that a change should be made in the present Chambers system.

Why should not the judges, as heretofore, sit in Chambers? As it now stands it is unsatisfactory in the extreme. It is apparent to any one practising in Chancery that many of the suits and matters now pending would be stopped at the threshold if they came before a judge in the first instance; many administration suits, as to which orders are granted in Chambers, would be nipped in the bud; and those that are proceeded with, by adopting the course pointed out in my former letter, viz., allowing the proceedings from beginning to end to be conducted before the same judge, could be disposed of at a few sittings and at much less expense.

The numerous appeals from Chambers show conclusively how unsatisfactory the present system is. Instead of time and money being saved, both are spent. A matter that could be disposed of at once were a judge in Chambers now takes one or two weeks if an appeal is to be heard. It has been urged in favour of the present system that it ensures uniformity in practice, which did not prevail when judges sat alternately. But there is nothing in this point. Judges sit alternate weeks to hear appeals from Chambers; and if there was danger of diversity of decision under the old system, that danger still exists. One very objectionable feature in the present system is, that where the question appealed from is one of discretion on the part of the party who first hears the application, great difficulty is experienced in reversing the decision, by reason of the ruling in *Day v. Brown* and other cases. The correctness of the ruling in that case is questionable, and in many instances it has been productive of great hardship, if not injustice. Frequently the judges must feel that, in dismissing an appeal which arises upon a question of discretion, had they heard the application in the first instance a different order would have been pronounced; but because of the rule referred to they are reluctantly compelled to uphold the decision. It may be urged that the judges have enough to do without taking the Chambers work. An hour a day will dispose of all the applications in Chambers, and on an average the half of

that time at least is taken up every week in hearing of appeals which would no longer exist if applications were heard by a judge in the first instance.

Yours, &c.,

REFORM.

June 26th, 1875.

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THE *Law Magazine and Review*, in speaking of Sir Henry Thring, the author of the pamphlet on the "Simplification of the Law," says, that no one has had greater experience in the drafting of bills in Parliament than Mr. Thring. It is stated in Mr. Thring's pamphlet, that the statute law of England is comprised in about 100 octavo volumes, containing more than 18,000 acts of parliament, a considerable portion of which is obsolete, and another portion of which relates to local and private matters. The "reports" contain the judicial decisions through a period of more than 550 years. In 1866 they consisted of 1,308 volumes, and they increase with great rapidity. In 1866 the number of reported common-law cases was 60,000; and the number of equity cases was 23,000. Sir Henry Thring is of the opinion, that in order to properly simplify the law a code is essential; that a code is the most complete form in which the law of a country can be presented and the ultimate aim of all law reform; but that the bulk of English law is so vast that it does not admit of being codified as a whole, until it has previously been collected, sifted and put in form adapted to codification. He then proposes a scheme, the object of which is to consolidate the existing statute and adjudicated law; and urges upon all classes the policy of the simplification of the law.

CASE LAW.—A story illustrative of the advantages of studying law by cases, and the complaints which are sometimes made of the uncertainty of the law, used to be told of an eminent lawyer of Massachusetts, whose name is still associated with many of the pleasant anecdotes which used to be repeated at the social meetings of the bar, and may not be wholly without point in the present phases of legal science. On returning to his office one day, he found his table loaded with books upon which a student in his office appeared to be diligently engaged. Before he could have a chance to inquire as to the subject of his investigation, the student