

CORRESPONDENCE.

to hold their own if the change occurred, whose occupation would be gone if such an act were passed. We could hardly expect them to permit such an act to pass if they could help it, and consequently it has not yet passed. They, at least, never attempted to controvert any thing that was written under the *nomme de plume* of "A City Solicitor;" they were cunning enough to know that was hopeless, and would only expose the weakness of their case. What they did was to temporize and procrastinate, to appease the then public feeling by granting as much as they dared not, for fear of annihilation, refuse, granting part of what was demanded and promising that the rest would be accomplished by degrees and before long, and omitting to accomplish that residue when the storm subsided, continually putting us off with large promises and the smallest possible measure of performance.

Is there any reason to doubt that the same game is still being played, and if it is, are we, who do not exclusively practice in chancery, interested in stopping it? I think we are, and for the following amongst other reasons. No matter whether it would or would not have been originally better to have left common law and chancery entirely separate, we have now gone too far with the fusion of them to get back to that position. We must, therefore go on, and *thoroughly* fuse them by making all our Superior Courts, which are not Courts of Appeal, both Courts of Law and Courts of Equity, to all intents and purposes. The sooner we do so the better for ourselves. Until we do, it is impossible to have any settled intelligible system of practice or pleading in any court; whereas, as soon as we shall do so, all will immediately be settled and become certain and intelligible, and we will not be compelled, as we now are, without any remuneration, to learn and keep ourselves up in two dissimilar antagonistic systems of practice, pleading and procedure, in-

stead of only one system. Secondly, because, if effected upon proper principles, it will not only greatly improve the usefulness, practice and procedure of all the courts, but will also, in the only way possible, without abolishing the Court of Chancery, get its practice and procedure sufficiently in harmony with modern ideas to make it work satisfactorily, and do away with unnecessary delays, complications, technical obstructions of justice, and a host of petty expenses, impossible to be got rid of while its present system is retained.

I think, however, in carrying out what "A City Solicitor" has recommended, it would be well, in order to get rid of the injurious effects of the old inveterate prejudices which usually cling to old names when all the courts are fused, to abolish all their old names and re-name them. This would fix in the minds of their judges that their respective courts no longer differ from one another in any respect. It would also be well to make the act come into force upon a future day to be named, which day should be far enough off to enable all concerned to be able to study the new practice and procedure the act would necessitate before it should come into effect. The act should also provide that a sufficient time before that day, the judges, or chief judges at all events, of all those courts, or a majority of them, should devise a new practice and procedure to be embodied in rules of court, which should apply always until changed, and equally to all the courts, and that no court should have any rule at any time which did not equally regulate every other superior court not being a court of appeal.

Many more details would, of course, be required, but these leading ones are enough to be mentioned in a communication like this, which does not aim at exhausting the subject, but merely to create sufficient interest in it to have it thoroughly discussed. If this discussion be had before the matter comes before Parliament,