

CORRESPONDENCE.

matter not highly complimentary to the forms and mode of procedure in Chancery, which need not be imported into the present discussion. Much of what was then complained of has been since remedied, and a proper measure of fusion will remedy all that remains to be rectified. As, however, some, especially of the younger members of the profession, may not have those older volumes of your journal to refer to, for their benefit I insert the following extracts:—Your correspondent in 3 U. C. L. J. 228, says in substance and effect and in almost these words, in speaking of the fusion of law and equity he was then recommending—"give the common law courts what they want, the comprehensible, expansive and summary jurisdiction which chancery possesses in theory, but cannot put in practice—give the court of chancery what they want—the simple practical mode of practice of the courts of common law; let each court have besides its own jurisdiction, all the jurisdiction of the others, so that each and every of them will be courts of co-extensive and universal law and equity jurisdiction; make every superior court, whether of law or equity, use the same identical and no different system of practice and procedure, and give each and all of them a much more comprehensive, simple and perfect mode of administering justice than any or all of them, separately or collectively, now have, and re-assort all their judges so that each court shall have at least one equity and one common law judge, and thus be enabled to intelligently and properly adjudicate all questions of law or equity that can come before them. Again when speaking of the ordinary antiquated procrastination arguments, and deploring the timidity and tardiness of our most unwilling Legislative Law Reformers, he says they were doing nothing but "merely nibbling at the outside edges of three or four of the leaves, instead of striking at the 'root of the evil.'" In his last let-

ter, 4 L. J. U. C. 71 to 73, he endeavours to rouse them to immediately attempt something sufficiently thorough to have some chance of being practically useful, instead of continually passing crops of petty legislative enactments, each designed to carry out in the minutest possible fractions some, in itself, insignificant measure of reform, thus keeping everything for ever in a state of worry, transition and doubt, without accomplishing any reform worth having. He then uses this language,—“The only question worth considering is, are we, or are we not, for ever to continue to proceed as heretofore, with the dilatory removal, piece by piece, of that immense mass of gross abuses, which, from time to time, has grown out of the parent trunk and taken root, propagated, and spread over its whole surface until the original is completely enveloped, and nothing left apparent but one heterogeneous mass of useless corroding legal fungi, passing one whole statute this year to remove one solitary excrescence, which statute the court next year may pass rules to carry into effect, which rules if they have good luck, may apply to cases which will occur the year after, in the vague hope that ultimately at some almost inappreciable distance of time, posterity, whose ancestors are yet unborn, may derive the full benefit of what we at any time, and now, might accomplish at one stroke by simply passing some such statute as suggested in my former letter.”

Those were not the sentiments of a single man merely. On the contrary, they were then, and still are, the sentiments of the thinking minds in our profession. They are the sentiments of all except those who know nothing but mere chancery law who practiced nowhere else than in the chancery court, and who feel in themselves that they have not the capacity of learning what would enable them