

**THE ANOMALOUS CONDITION
OF ENGLISH JURISPRUDENCE
CONSIDERED WITH ESPECIAL
REFERENCE TO A PROPOSED
FUSION OF LAW AND EQUITY**

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The Anomalous Condition of English Jurisprudence Considered with Especial Reference to a Proposed Fusion of Law and Equity by Charles Francis Trower

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CHARLES FRANCIS TROWER

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CONSIDERED WITH ESPECIAL REFERENCE TO A
PROPOSED FUSION
OF
LAW AND EQUITY.

BY
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ADVERTISEMENT.

THIS pamphlet was first published three years ago. Encouraged by the increasing demand for Law Reform throughout the country since that time, I now re-issue the remaining unsold copies of it, bringing it down to the date of the present period. For notwithstanding that a few anomalies pointed out in it, and which the learned reader will readily distinguish, have since met with at least a partial cure, THE CROWNING ONE of all still remains in full force, though signs are not wanting that attention is being attracted, both at home and abroad, even to *its* removal.

What cause indeed is there not for hope to the sincere Law Reformer! What works of amelioration has not the year now closing in on us, accomplished! It has seen principles of Jurisprudence held in unquestioning veneration for centuries, abolished by a stroke of the Chancellor's pen; it

has seen the framework of Chancery suits compressed within dimensions no larger than those of a common bill stamp; it has seen the Gordian knot of Common Law entanglements unravelled by the almost instantaneous adjudication of the extended County Courts. It has seen an act of Parliament* passed with acclamation, which an Hardwicke and an Eldon would have shuddered to think possible; it has seen candidates † on the hustings pledging themselves, as to a cardinal doctrine of their political creed, vigorously to carry out Law Reform; it has seen the public press teeming day by day with leading articles upon the same great subject. It is hardly then too much to hope and believe that the present generation may yet live to witness even those more fundamental and organic changes advocated in the following pages.

C. F. T.

Rusper, Horsham, Dec. 1850.

* Mr. Turner's Bill for Chancery Reform.

† See especially Her Majesty's present Solicitor-General's address to his Southampton constituents.

TO
THOSE FOUR EXALTED PERSONAGES,
WHO
HAVING ADMINISTERED THE SUPREME JUDICIAL
OFFICES OF STATE,
AND RETAINING,
AMIDST THE REPOSE OF A LESS PUBLIC SPHERE,
AND THE WELL EARNED HONOURS OF ADVANCING YEARS,
THE MIGHT OF THEIR HIGH INTELLECTS,
ALONE POSSESS THE WISDOM TO DESIGN,
THE AUTHORITY TO SUGGEST,
AND THE LEISURE TO EXECUTE,
THE GRAND SOCIAL BLESSING OF A REFORMED
NATIONAL JURISPRUDENCE,
THESE PAGES
ARE VERY HUMBLY AND RESPECTFULLY INSCRIBED.

SINCE the following pages were prepared for the press, I have read with much interest Mr. Phillimore's ' Letter to the Lord Chancellor on the Reform of the Law.'

Convinced as I am that nothing but an agitation of the subject, even to importunity, and a multiplication of efforts—feeble, it may be, taken singly, but strong in their combination, as manifestations of a wide-spread conviction—can avail in arousing the Legislature to the sweeping changes in the Law, which Reason and Justice demand, I should, probably without hesitation, have submitted to the public the following inquiry, even at the risk of treading upon ground already pre-occupied by Mr. Phillimore. But the field is so wide, and the particular lines of thought, which we have pursued in it, are so distinct, that all fear of such interference is removed ; and I find, that the points to which attention is principally invited in the following pages, are not amongst those to which Mr. Phillimore has so ably addressed himself.

C. F. T.