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ble force with regard to this question of uniformity. Any professional man who had ever investigated any of the nice points whether relief could be granted in one court or the other, must have felt dissatisfied with the groundwork of that decision. Oftentimes one was unable to say anything further than that judges had settled such cases before, and found no equitable reason why relief should be afforded in one court and not in another. But where a system was being dealt with confessedly anomalous, these minor defects of operation attracted less attention, since they grew out of the great defect. But grant one system, and grant that the law of the land, controlled by equitable principles, should be the governing rule in all cases, and that instant all the minor defects would cease to exist. There seemed to him to be no reason why the House should not address itself earnestly to the consideration of this question. At the period when the equitable principle was first introduced, he could see that there were reasons in the state of the country and in the state of the profession why it would have been practically impossible to have created a system on the basis on which he now proposed to create it. At that time there was really no equity bar, and it had gradually grown up. He called the attention of the House to the fact that the changes which had been made had brought them into a position much more favourable to settling the difficulty than was the case in England, where, however, a step had been taken in one respect in advance of this country. They were approaching the question of uniformity in both ways in this country, and the two courts were now not very far apart. He believed that the profession was well able to grapple with the duties which would devolve upon them when this change should be made. When they were able to get rid of the anomaly now existing, and to make a system of law which would be adequate in itself; when they were able to apply the principle, not that the decision of one court by its law should be contrary to the decision of another court by its law, but the principle that one law should be recognized in all the courts, he believed that much good must result. He was entirely opposed to giving an equitable and common law jurisdiction as it now stood, to one court; he would like to see the distinction obliterated. He wanted to see the common law such as it now was, controlled by the equity law; and that the law should be in such a position that all the rights he was entitled to claim in one court should belong to him in all other courts. He was free to admit that the treatment of this question would be likely to create uncertainty and confusion, but he would ask whether the House thought this uncertainty and confusion would be decreased by delay. (Hear.) He did not believe that we would be in a more favourable position for the adoption of this change by delaying it; and that there existed no reason for not at once proceeding to carry into effect this much-needed reform. He begged to make the motion now before the chair.

Hon. J. S. MACDONALD said he had listened with great attention to the able speech of the hon. member for South Bruce, and could not gainsay the statements he had made with regard to the workings of those courts, and the necessity for a change. In 1851, Mr. Lyon Mackenzie moved that the Court of Chancery should be swept from the statute book. There was a vote on the subject, and a majority of seven in its favour.

Mr. BLAKE—There was a majority of seven from Upper Canada, but a majority against the measure in the whole House.

Hon. J. S. MACDONALD said he took occasion at that time to condemn the proceedings of that court.

Mr. BLAKE—But you voted against the motion.

Hon J. S. MACDONALD said he had voted against it because it did not provide for the continuation of the cases then before the court; and because the motion was sprung upon the House too suddenly. He never had but one opinion as to the necessity of the changes sought for by the hon. member for South Bruce. Within the last two months he had told the Chancellor, Chief Justice Richards, and Judge Morrison, that it was his intention, after this session, to appoint a commission to see how those courts could be better constituted than at present. This was no new idea of his, for he had spoken to his colleagues about it. It was his intention to procure two or three of the best minds to inquire into this matter; and he would observe that when a similar change took place in the courts of the State of New York, 16 or 17 years ago, they were preceded by a report. It was not an easy matter to adopt suddenly the system proposed by the hon. member for South Bruce. It was too serious a matter to go now into committee on those resolutions without adopting the precaution of previous inquiry. The Government would issue a commission to inquire into the matter, and have a report next session. He hoped that the hon. member for South Bruce would be satisfied with the exertions he had made, and with the promise that had been given.

Mr. PARDEE said the country would be glad to hear that such resolutions had been introduced, for if there were any one thing that had given great dissatisfaction it was the mode of procedure in the Courts of Common Law and Court of Chancery. If the hon. member for South Bruce succeeded in bringing forward a scheme to make the procedure in those courts uniform, he would have conferred a great boon on the country. He (Mr. Pardee) was glad to hear that the leader of the Government admitted twenty years ago that the procedure of these courts was an anomaly, and that he held this opinion still. If such were the case, he (Mr. Pardee) could not see why the Attorney-General should go to the expense of issuing a commission. He (Mr. Pardee) could not see the necessity for a commission when it was an admitted fact that the whole country had been looking forward for years to some propositions like those contained in the resolutions.

Mr. LOUNT, after repudiating the idea that the members of this House who were also members of the bar had any desire, in the course of legislation, to increase law expenses, proceeded to say that no one could doubt the force of the resolutions of the honourable member for South Bruce, or of the arguments he had used. But he (Mr. Lount) was not prepared to adopt these resolutions until previous inquiry had been made by a commission. He concurred, however, in the main with the resolutions.

Hon. Mr. CAMERON said that while he was prepared to admit that there were anomalies, he was not prepared to say that the country was, at this moment, ripe for a change. These resolutions declared that a change was necessary, but did not provide for any machinery to work this change. He thought that the mover should be satisfied with the promise of the Attorney-General to issue a commission. He (Hon. Mr. Cameron) had had a hundred cases at *nisi prius*, but had not half-a-dozen of them that required the intervention of the Court of Equity. He maintained that at present the province of Equity and Common Law was well defined. If the House were going to make a system of law that every man could understand, he could see a good reason why the House should sweep away the difference between the Court of Chancery and Common Law. But the resolutions had no such intention, for they did not make an improvement for the understanding of the litigants themselves, but only gave one tribunal the power to adjudicate where two were now necessary. He thought that the rules of equity were much harsher than those of Common Law, and that the Common Law Courts were much more cheaply administered than the Court of Chancery. On the other hand, if the Chancery system were to supersede the other, the expense of justice would be increased. He thought that if anything, a reduction should be made in the expenses of Chancery proceedings.

Mr. BLAKE—Hear, hear.

Hon. Mr. CAMERON wished the hon. member for South Bruce would be content with the promise of the Attorney-General.

Mr. McCALL (Norfolk) considered that the expenses in all the courts were too high. But the legal gentlemen in previous Parliaments were to blame for this, for they had had the matter in their own hands. He thought the resolutions would carry a large proportion of the business of the ordinary law courts to the Court of Chancery, where there would be more costs.

Mr. BLAKE—Hear, hear.

Mr. McCALL said that he was in favour of the proposition of the Attorney-General.

Mr. LAUDER agreed with the hon. member for South Bruce and the Attorney-General, as to the existence of anomalies, but was of opinion that the House should proceed cautiously in the matter. He was in favour of previous investigation before the House should take action; and then let the House adopt some well-digested plan to make the practice of our courts uniform. The House should pause before changing the legal system of the Province at the suggestion of any one member, no matter what his experience in any one branch of the law might be. He would be slow to adopt a system simply because it had been tried in the State of New York. In England, there was a very great diversity of opinion on this very matter.

Mr. BLAKE—No.

Mr. LAUDER went on to say that he saw this difficulty. Supposing that the courts should be amalgamated, our court could not adopt the decision of the courts in England unless these courts were amalgamated like our own. He was not prepared to say that the hon. member for South Bruce was wrong, but the House should adopt the suggestions of the Attorney-General.

Mr. BLAKE replied. He ridiculed the idea that lawyers had an interest in increasing fees. No enlightened practitioner of the law but would acknowledge that his interests would be best consulted by simplifying and cheapening the law. The apprehension that the law was expensive, dilatory and uncertain, was calculated to deter people from asserting their rights, calculated to diminish the number of suits, and increase the dissatisfaction of suitors. Inside or outside the House his desire had been to simplify the law and its practice, and make them plainer, to reduce the proceedings to the smallest number necessary to obtain justice. He intended by those resolutions to combine the best elements both of equity and common law. The Provincial Secretary had stated that the principles of equity were harsh. On this point he would quote the opinion of the Lord Chief Justice of England, Sir Alexander Cockburn. That eminent legal authority had said that the law ought to be adapted to the standard of equity, and that the fusion between law and equity was a consummation devoutly to be wished. He (Mr. Blake) did not intend that his resolution should deal with details. But he congratulated the Attorney-General in coming so near the consummation of his dream of twenty years. It was strange, however, that at the end of four years, and having been strong enough all the time to control the House, the Attorney-General should only now think of this reform. He (Mr. Blake) did not anticipate that any great progress would be made by this commission, and thought that the House would, after all, have to legislate without assistance from the commission. He would accept the proposal of the Attorney-General, and ask leave to withdraw the resolutions.

The House having granted permission, the resolutions were withdrawn.

THE GOVERNMENT AND THE COURT OF CHANCERY.

Mr. BLAKE moved an address for copies of all communications between the Judges of the Court of Chancery and the Government touching the proposed measure in respect of the Court of Chancery.

Carried.

Hon. Mr. CAMERON said the return had been prepared. He begged leave to lay it on the table.

Mr. BLAKE—I compliment the hon. gentleman on his extraordinary expedition. (Laughter.)

COUNTY ATTORNEYS.

Mr. LOUNT moved for an address for a return of the fees and emoluments received by the County Attorneys of this Province for and during year 1870.

Carried.

COURT OF CHANCERY.

Attorney-General MACDONALD moved that the House go into committee on Friday next to consider the following resolutions:—

1. That there shall be paid out of the Consolidated Revenue Fund the sum of dollars annually to the Master in Ordinary of the Court of Chancery.

2. That there shall be paid to the Referee in Chambers of the said Court, annually, the sum of dollars.

Carried.

PARRY SOUND AND THUNDER BAY

Hon. Atty.-General MACDONALD moved that the House go into committee on Friday next to consider resolution:—

That there shall be paid annually to each of the stipendary magistrates in the territorial district of Parry Sound and Thunder Bay the sum of dollars.

Carried.

THIRD READING.

A Bill to make valid certain commissions for taking affidavits issued by the Court of Queen's Bench.—Mr. Craig (Russell)—was read a third time and passed.

APPOINTMENTS.

Hon. Mr. CAMERON presented a return