factory to common law practitioners. It would involve them in evils much greater than the present system was chargeable with. If the Government were to introduce a measure for absolute fusion it would be accomplished only with great delay, and when accomplished it would not be so good as that transition scheme which was now under consideration. The present Act gave to the common law courts increased equity jurisdiction. A party who might sue for a purely money demand at law, though the right be equitable only, could be met with no objection that his remedy was in the Court of Chancery, though the Common Law Court could have power to transfer equity matters to the former Court when the ends of justice so required. In order that Common Law Courts might do complete justice between parties without any necessity for another suit, he proposed to give the courts the right of transferring a case from one court to the other when the transfer would have a beneficial effect, and in no case should any more costs be incurred in bringing an equitable matter into a court of law or a legal matter into a Court of Chancery than if the party had sued in the court which had jurisdiction at present. Changes were proposed in the in the mode of trials. One was that in any action where equitable issues were raised by the pleadings for defence, they should be tried without a jury, though the court or judge, upon the application o either party in the suit, may ordo such issues to be tried or damage to be assessed by a jury. In actions of libel, slander, criminal conversation, seduction, malicious arrest, and false imprisonment, all questions wich might heretofore have been tried by a jury, shall be tried by a jury, unless the parties in person or by their attorneys or counsel wave such trial. This change was one which would serve the ends of justice in a very important degree. It was also proposed that juries should be bound to give special verdicts upon questions submitted to them, instead of general ones, when requested to do so by the Judge. The bill gave power to the Judges of the Superior Courts of Common Law to sit separately, as was the case with Judges of the Courts of Chancery, for he saw no reason why that power should not exist in the Common Law Courts as well as in the Courts of Chancery. It was not proposed, of course, to compel them to sit separately, but merely to give them the power to do so. Another change was that parties might have issue joined without the intervention of written interrogatories. Where a judgment debtor had made a conveyance of lands in which he had an equitable interest which was void, as being made to defraud the judgment creditors, it was proposed that it should not be necessary to file a bill in equity, but that a Court or a Judge in Chambers might upon the application of the judgment creditor call upon the judgment debtor and the parties to whom the conveyance had been made, to show cause why the land should not be sold in satisfaction of the judgment. He had also made provision to enable the Court to decide all cases in which the same right was involved, upon the trial of one such case; and, further, to enable the Law Courts to make general rules in the same way as the Court of Chancery made theirs, without the necessity of the formality of laying those rules before Parliament. The Bill provided also that there should be an additional Court of Assize and Oyer and Terminer in the county of York, and another sitting of the County Court, the latter to be held on the second Tuesday in the month of May. This was in consequence of the great accumulation of business before these Courts —more than they could dispose of; and the judges had suggested to him the appointing of these additional Courts to prevent that accumulation for the future. There was also another Court of Assize provided for in the county of Wentworth. The effect of all these provisions would be to give us really all the substantial advantages which would be gained by absolute fusion, and preparing the way for such a measure if it should be found desirable.

Mr. CAMERON said the Bill presented to the House was not so important a one as they had been promised. He, himself, had no sympathy with the cry against the Court of Chancery, as he believed that Court acted in some cases much more satisfactorily than could be expected from the machinery of the Common Law Courts. He was not a supporter of entire fusion. What he thought would be advantageous was some means of simplifying as much as possible the proceedings in each of the Courts and to render them as inexpensive as possible. The Bill now introduced had some good features which would accomplish much good, and he agreed with the hon. leader of the Government that it was not prudent now to introduce a Bill for the entire fusion of the separate Courts; but, nevertheless, the Bill was not what they had a right to expect from hon. gentlemen opposite. That party had made a cry against the constitution of the Courts. It was full of sentimental grievances, and this was one of them. So loud had they been in their clamours against the present state of affairs that the then Government were forced to appoint the Law Commission, with no great hope of accomplishing any good therefrom. The gentlemen opposite now found themselves unable to carry out the views of the late Opposition, and, by action which spoke louder than words, were following out the opinions always held by the Sandfield Macdonald Government.

Mr. HODGINS spoke of the gratification which must be felt by the Attorney-General at the fact that the leader of the Opposition found in his Bill nothing to object to. He (Mr. Hodgins) thought that many cases would arise in which suits would under this Bill be transferred from one court to another. After making some suggestions, he expressed the hope that the debate would be carried on in the same fair spirit with which it had started.

Mr. MACDONALD said that if he had been a layman the fact that the hon. member for West Elgin had approved of the Bill would have led him to look upon it with some suspicion. But, as being a lawyer himself, he was able to see in it many points with which he was able to agree. He did not wish, however, to commit himself to the details of the Bill in *toto*. He suggested that the powers of the junior judges should be increased, so that either judge may act. At present some doubt existed as to the validity of some of the actions of junior judges. He regretted that the Commission which had cost so much money had not been allowed to report to the House.

Hon. Mr. CROOKS said if the hon. gentleman had perused the instructions given to them he would have found that the time to be occupied would have been so great that many of us would not have lived to see the report. On the ground of economy alone, it was advisable to revoke the Commission. The reason for the appointment of the commission was that a similar movement had been made in England. The Reform party as a party had not held the fusion of the two courts as one of its peculiar principles. The words used by the leader of the late Government had been "in the direction of fusion." This Government now proposed to do, of its own action and from its own knowledge of what was for the interest of the country, what the Macdonald Government proposed doing by means of a Commission. The report of any Commission must have been to establish a system which would be a compromise between the systems of the two courts. In the common law the Procedure Act afforded as simple and effective a system of pleading and practice as common sense could afford. A few amendments had been made therein by the Bill of the Attorney-General. The present system of Chancery practice was very nearly perfect, and the Bill now before the House was intended to accommodate these two systems so as to make them still more effective. It would have been inexpedient to have gone any further at present.

Mr. WOOD said that some mistake was abroad in the country in respect to the meaning of fusion. It did not mean codification. It had been argued by some honourable gentlemen that codification was advisable—that a code of laws should be drawn up so that "he who runs may read," so that "the lawyers' occupation should be gone." Some such picture had been held up before the people, and he believed had even glimmered before the eyes of some of the members of the Commission. He believed that the stiff, unbending, irrational rules thrown round the mode of applying the principles of common and equitable law had caused more heart-burning and trouble than all other influences put together. He thought that twenty years from now people would hardly be able to believe that such cumbrous and irrational rules of practice prevailed. The Courts were now drawing closer together. The establishment of the Court of Appeal had had a strong influence in that direction, because it brought the judges of the two Courts together. He thought that ten years from now the change would be complete. He had never thought that the Commission could do more than had been done by the learned Commissions in Great Britain and