

But no one will deny that its practice is essentially different from that of the courts of law, and the question has been raised whether any good reason can be urged why its practice should not be assimilated to that of the courts of common law, and if, as a distinct court it is necessary to the requirements of the people. It is unquestionably expensive as a separate establishment, and it is worth considering whether the defects or limited jurisdiction of the common law, which the object of the Court of Chancery is to remedy and redress, can be so regulated by the Legislature, that by a simple remodelling of the courts of common law, ample and adequate justice to the public can be secured in the courts of law in one action without the additional expense of recourse to a Court of Equity.

The long existence of any institution, and the attachment of some portions of the community to it, are cogent reasons for preserving it, even although it may be urged by advocates for the necessity of a distinct and separate jurisdiction in equity that the court as such, is possessed of, and that it bestows that perfection of justice which it is possible to imagine in theory, but not always attainable in practice. The establishment of one court of civil jurisdiction, with the certainty that the same rules of law and uniformity of decision will be secured, combined with a large degree of economy in procedure, would certainly render the administration of justice highly satisfactory to the people of Ontario. If the question of necessity and convenience were questionable, no man of sense would doubt that it ought to be bestowed in favour of the continuance of the Court of Chancery as a separate court, because every man of sense must know that it is morally impossible to anticipate all the consequences of abolishing an institution. But is the question open to doubt? Those who have witnessed the progress of the Court since its establishment in 1837 have not—certainly not until within the period of the past few years—been aware of any particular energy which animated it, or of