

which is admitted by all to require, and by all thinking men to deserve, early and serious attention—the Court of Chancery; and in view of the sweeping changes in our law advocated by some, involving no less than the abolition not of the Court of Chancery only, but of equitable jurisdiction itself, I will quote from a work of high authority, “Story’s Equity Jurisprudence,” a maxim which should be engraven on the minds of those whose duty it is to amend the law: “Changes, in law, to be safe must be slowly and cautiously introduced and thoroughly examined. He who is ill-read in the history of any law, must be ill prepared to know its reasons, as well as its effects.” The advocates for the abolition of equity jurisdiction are not few within the walls of Parliament, I fear, as well as without, and therefore I make no apology for entering upon the enquiry of what a Court of Equity is, its nature and its functions, and showing how miserable a mutilation of English law would be the consequence of its abolition.

Lord Bacon says: “All nations have equity; but some have law and equity mixed in the same court, which is worse; and some have it distinguished in several courts, which is better.”

Upon the same point, I will quote the opinion of Lord Eldon:—

Lord Mansfield had said, in the Court of King’s Bench, that “he never liked law so well as when it was like equity;” and Lord Chief Justice DeGrey,