time. If law and equity are not to be united, the administration of each must be made as far as possible simple and expeditious. If equity were to follow more closely the example of law, as to expedition and cheapness, there would be fewer advocates for fusion, and less outcry against Chancery delays.

It is not a little singular that in many law reforms we have taken the lead of the mother country. We did so as to county courts, and other changes in the mode of administering justice. We are beginning to feel our strength, and to acquire the confidence of manhood. We are not trammelled by the ruin and decay of expiring customs, and their handiwork, obsolete statutes. Formerly we were content to await a change in the laws of the mother country, and then with fear and trembling endeavored to follow; but now, when we need a law we make it, and have done with it. It is not now so much a question whether England *has* done so, as whether we *shall do* so—whether the change is one which the interests of this Province demand. In this spirit, several most important laws have been passed. Instance the institution of local county crown attorneys, and the decentralization of the administration of equity. The former, though doing pretty well, is suffering from the same cause as the latter—too niggard an allowance to the professional men whose services are invoked, and whose good will and hearty support is necessary to the complete success of the measure.

LOCAL EQUITY JURISDICTION.

(By JOHN SMALE, BARRISTER-AT-LAW.)

Read at the Annual Meeting of the National Association for the Promotion of Social Science, held at Liverpool in October last.

I propose to occupy the attention of this department for a very short time with a few remarks on the importance of localizing the administration of justice in respect of equitable rights; in other words, to consider whether it is desirable and practicable so to constitute local tribunals as that they may be fitted to determine those questions between litigants, and to afford those administrative benefits for which the Queen's subjects ordinarily now resort to the High Court of Chancery.

In no part of the country could the establishment of a local equitable jurisdiction be so properly raised as in the County Palatine of Lancaster, in which, by virtue of ancient charters, a local Court of Chancery has always existed, and which has within a few years grown into considerable importance—a local jurisdiction, co-extensive in its powers within the County Palatine with the High Court of Chancery, and in which a great number of causes have been decided and promptly disposed of, to the entire satisfaction of the suitors.

The jurisdiction extends over persons and property, when either is within the limits of the County Palatine; it is said to be exclusive when as well the subject-matter as the parties in litigation are within the limits, and old authorities are cited for this proposition; but it does not appear to be so now universally in practice. In other cases the jurisdiction is concurrent with that of the Courts of Westminster. See 13 & 14 Vict. c. 43; 17 & 18 Vict. c. 82. Other statutory authority: 16 & 17 Vict. c. 137, ss. 29, 35, & 37; 11 Geo. 4 & 1 Will. 4, c. 35; 2 Will. 4, c. 38.

The judicial authority of the Palatine Court of Chancery was but little resorted to, and the office of Vice-Chancellor was for many years little better than an honorable sinecure; but the Vice-Chancellors, Sir William Page Wood and Sir Richard Bethell, successively felt the importance of bringing home to the manufacturers of Lancashire and the merchants of Liverpool the advantages of having their equitable rights and remedies judicially determined, as it were, at their own doors; and the first act of modern time, regulating the practice of the Court, was passed in 1850. In consequence of this act by such men, the business of the Palatine Court of Chancery became more important.

The present Vice-Chancellor James, emulating his predecessors, increased the number of equity sittings, so that the Court sits four times at Manchester, and as many times at Liverpool, in each year. The ordinary work of the Court is carried on by three registrars, one of whom is always to be found at each of these places and at Preston, who is daily engaged in disposing of the greatly increased and increasing chamber business of the Court. These officers perform the same duties as the registrar and judge's chief clerk in the High Court of Chancery. The number of suits and petitions disposed of in the last year by this Court was considerable, being an increase on the business in years, before the Palatinate Chancery Acts passed, exceeding eight-fold, dealing with cases in which property to a large amount was involved. From these decrees and orders the right of appeal is now to the Chancellor of the Duchy and the Lords Justices of England, or any two of them, by which in practice the appeal is to the Lords Justices alone; but although there have been some appeals, I believe that no decree or order of the Vice-Chancellor of the Palatine Court of Lancaster has been reversed by their Lordships.

Here, then, we are in a county in which the energies of a succession of three able judges have built up an equity jurisdiction as efficient as that of the superior courts at Westminster, and which has worked itself into public support by force of its own merits, notwithstanding the prestige of the superior courts at Westminster, over which it has in practice no other advantages than that it is a *local* court where equity is satisfactorily administered, whilst it is subject to the prejudice with which among the many every apparent novelty is regarded.

We start, then, on the present inquiry with the fact that it is not only practicable to have local equity courts, but that one at least is now in a most efficient and satisfactorily working condition. I need scarcely add that the costs to the suitor of redress in this Court are in effect much less than in the courts in Westminster Hall.

This brings us shortly to consider the rise and progress and results of the County Courts Acts, as a preliminary to the more precise consideration of whether similar legislation in respect of localizing equitable jurisdictions would probably be attended by similar results.

Vague speculations in favor of local jurisdictions to a limited extent were obtaining attention before 1830. In various populous districts the want of a local court was so much felt, that each successive session passed special Local Courts Acts, with the imperfections incident to isolated efforts to meet special evils. It remained for Lord Brougham to bring the whole subject before the public; and after the speech of that great statesman in the House of Commons, on the 29th of April, 1830, the question assumed at once a national importance. But this beneficial measure, like all others of great importance, was not obtained per saltum; it had to be fought for year after year, and session after session, until, after discussions extending over fifteen years, the local courts were matured and established in 1845, limited in jurisdiction to £20, which in 1850 was extended to £50. From the county courts return of the 19th of July, 1858 (Sessional Paper, No. 445), it appears that the amount of money for which plaints were entered in 1857 was £1,937,745; judgments obtained, £978,592; paid into court under judgment, £776,711.