

cery may be relegated to its proper forum, and so that an equity which could not be worked out at law by reason of the insufficient machinery of the court, may be passed over to a competent tribunal. This scheme, properly worked out, could, without doubt, be made an adequate provisional remedy, but it would be manifestly only a half-way stage to effectual relief. The ultimate goal of all such amendments can only be that to which the Attorney-General of England adverts in these words, "the fusion of our two systems of law and equity, a thing, in my opinion, which is absolutely certain one day to be done."

Now, in setting about any scheme of fusion there are a few principles to be borne in mind by law reformers in Canada. It is impossible to satisfy every person, or class of persons, affected by the changes. New, and perhaps unpleasant work will be thrown on the bench and on the bar. Solicitors and attorneys will be unable to agree which class is to swallow up the other. This will be, however, a matter of small concern to the great body to be benefited,—the people—in whose eyes, according to Jekyll's joke, there is as much difference between attorney and solicitor as there is between crocodile and alligator. Yet all classes will agree that one chief end to be sought is the *maximum* of general good with the *minimum* of change. This will necessitate a choice of one of the two, or between the two systems of procedure which obtain at present in common law and Chancery practice. Now, the simpler and more direct mode of procedure is the most suitable for modern times. For this reason, other things being equal, the writer would prefer, where the two modes of procedure are so inconsistent that they cannot be amalgamated, that the practice as settled by the general orders and decisions of the Court of Chancery, should prevail over the practice at law, which has been mainly imported from England, and the great triumph of which was to simplify considerably time-honoured complexities of the ancient practice. The equity judges have been astute to frame orders from time to time adapted to the wants of the country and the requirements of suitors. The consolidated orders as they stand embody the results of the experience and sagacity of many eminent judges, who were obliged from the position of the Court of Chancery to adapt its procedure to the special circumstances of this Province.

If the three superior courts were consolidated, with a common jurisdiction, and their official machinery enlarged, there would be work enough for them all to do. It is idle and ignorant talk that some of our daily newspapers indulge in, when they recommend the abolition of Chancery. Two sentences of Sir John Coleridge's admirable address put the matter in its true light. He says: "It must be remembered always that the things themselves, law and equity, and the rights and liabilities arising out of them are inherently distinct. The distinction is in the nature of things, and has not been created nor can be abolished by act of Parliament." Nor do we think that the changes need be so excessive or so alarming as some persons imagine. There can always be power given to the judges to *classify* and *apportion* the work which is brought before them, so that judges of equity training may be assigned to equity business, and judges of common law training and aptitude to common law and criminal causes. At all events, there is an ample field open for our legislators and law-officers. Any man or set of men who achieves success in this direction shall well merit the benediction of Coke,—*"Blessed be the amending hand!"*

LEGISLATION IN NOVA SCOTIA.

Our attention has been drawn to two measures which it is proposed to bring before the Legislature in Nova Scotia, at its next session. One is an Act for establishing County Courts, and the other an Act to confer criminal jurisdiction on the County Courts. Their purport will be best seen from the synopsis given below, some of the clauses being copied in full:

AN ACT FOR ESTABLISHING COUNTY COURTS.

Be it enacted as follows:

1. There shall be established in each of the Counties of this Province, except the County of Halifax, a Court of Law and of Record, to be called the County Court of (the name of the county). The sittings shall be held at the Court House, &c.
2. [Names of Districts—Judges to hold office during good behaviour, &c.]
3. [Provision in case of inability of Judge to hold Court.]
4. No Judge of any such Court shall practice, carry on or conduct any business in the profession or practice of the law, while being such Judge, on pain of forfeiture of his office.
5. [Judge's oath of office.]