

(which will be of far more frequent occurrence) at any Circuit Court where the majority of witnesses reside, if the parties desire the same *or the Judge shall so order*. And if at any Circuit Court, then the causes are to be entered at the foot of the Common Law cases, and heard after the Jury is discharged, the Clerk of the Circuits attending himself or by deputy.

To any one who knows the labour and exhaustion of some of our Circuits, it will be seen how imperfectly will this duty be performed, as long as Judges are subject to ordinary human infirmities, which must necessarily increase with increasing years.

As a 4th head of objection, I feel compelled to state

*The particular circumstances in which I shall be placed by the change.*

In October next, I shall have completed twenty years service as a Judge of the Supreme Court. The little knowledge I had previously acquired of Chancery practice, even did I still retain it, would be of small avail, so many and great are the changes since made. At the age of fifty-eight, even could I expect sufficient leisure for the purpose, and were there any reason for imposing on me so irksome and difficult a task, I could hardly expect to become familiar with the practice. I have devoted myself exclusively to my judicial duties in a Court of Common Law. Had not the appointment of a Master of the Rolls been made,—a measure so much desired at the time, and which has answered all reasonable expectations,—I might, by giving less attention to Law have kept up better acquaintance with Chancery procedure; but had even this been done, so as to have made me familiar with the present practice, the new duties which a Judge in Equity is to be called on to perform by the Act of 1854, so far exceed, and so far vary from, any that as an Assessor or Commissioner of the Court might have occa-