decision of an important case in their hands, or the non-professional members of the Council were to take part in it, and the Governor were unacquainted with the ordinary principles of Law, it must seem evident that such an appeal would be a mere mockery.

In the Court of Chancery we have on the Bench a sound lawyer, and a gentleman thoroughly acquainted with Equity Jurisprudence in all its branches. From any Order or Decree made by him there is an Appeal to the Governor as Chancellor, in which case it becomes necessary to seek the assistance of one or more of the Common Law Judges, upon whom in general, from the peculiar circumstances, the responsibility of affirming or reversing the Decree rests. Now here is perhaps as great an anomaly as in the case of a Review by the Court of Error; for the appeal is from the best judgment on points of Equity Law and practice, often more complicated and abstruse than the Common Law, to the judgment of those which, although the best in their own department, and when at the Bar undoubtedly good in this also, has become by disuse necessarily liable to be strongly influenced by that which weighs strongest on the most learned and the most upright minds, a delicacy in deciding against the views of one they deem more thorough than themselves in the knowledge of the principles they are called upon to review.

We conceive an appeal under such circumstances relieves the Equity Judge from none of his heavy responsibilities, while it throws a portion of them on those who feel themselves in a certain sense not fully adequate to undertake them.

The result is, that in some of the heaviest cases which can be conceived—such as the redress of breaches of trust and of frauds of the most peculiar character, the issue of injunctions to stay the hands of parties and even the Supreme Court from intermeddling with property or proceeding with suits, and requiring the literal performance of contracts—they all come to be decided substantially by a single individual, and that decision given under a peculiar species of Law, which, although in general better defined than is supposed, is yet spoken of as exercised through "the *conscience of the Court*," and consequently must afford a pretty extensive latitude of interpretation. In cases of fraud especially, Courts of Equity undertake to govern their decisions by a much broader construction of what constitutes fraud than Courts of Law.

In strong contrast with these vast powers wielded by a single individual, we find the Supreme Court performing its branch of jurisprudence by the instrumentality of four Judges, with the aid of Juries and previous Nisi Prius trials, and in cases where upon Common Law principles the wrong and the remedy are both of a well defined and comparatively certain description, while the importance of the demand can never exceed that of any litigated in a Court of Equity.

There can be no doubt that strong as the opinion is in favour of the manner of administering Equity Law by the present learned Judge, there is a degree of want of confidence in the Court because of the deficiency experienced in no other of a proper *test* of its soundness; and as our Province advances in population and prosperity, with the occurrence of vacancies which will often be filled by men chosen probably more from regard to their political than their professional standing and character, it can scarcely be expected that the people will submit to be deprived of their property by the decision of a single Judge, or to be obliged to cross the Atlantic for the expensive judgment of the Judicial Committee of the Privy Council.

We propose, therefore, as a remedy for these evils, to transfer the whole jurisdiction of the Court of Chancery to the Supreme Court, giving the Master of the Rolls, on the Bench of the latter Court, a position of precedence in accordance with his present one, and conferring on that Court all the powers of Chancery, *without a fusion* of the principles or mode of administration belonging to the respective Courts. We ask particular attention to this last observation, because we think there is some confusion of ideas on this subject, which have served to create a prejudice against the union of the Courts, when in fact we alter nothing but the instrumentality by which Equity Law is for the future to be administered; and *that chiefly for the purpose of giving power to, and confidence in all that is already so valuable in its principles.*

We propose that any one of these Judges shall decide a case in Equity in the first instance, with an appeal to the whole five Judges in Term; and that, agreeably to the present practice in a suit at Law, there should be no other as we conceive there can be no better appeal than from the first decision in this branch of jurisprudence, to the five Judges in the Supreme Court. For a long time to come we think the country will be satisfied with this one substantial appeal; but if in some singular case there should still be a desire to press the matter further, the Judicial Committee of the Privy Council in England, it seems to us, should be the end of that true scale of ascent by which the best legal judgment can be had.

We do not propose this as the best arrangement under any circumstances, but as the best which this country in its present circumstances can offer; nor are we insensible to the argument that where five Judges of the Supreme Court will have to turn their attention to so many branches of the Law, they cannot be expected to reach the same eminence as when the sole time and attention of one individual has been bestowed on a particular department. Yet it must be remembered that when professional gentlemen of standing now reach the Bench, it is from a scene of laborious practice in every branch of our jurisprudence; and the knowledge thus acquired must necessarily be rendered more complete by constant practice as Judges, and be adequate to any effort put forth from the Bar. In the United States there have been very eminent