

has been built up the wonderful fabric of our common and equity law. Under it the law of England has developed as an organic growth in close touch with the practical requirements of those for whose use it exists, and with the development of the national life. So that it has been well said that a closer connection between the springs of law and the springs of life it is impossible to find, look we the whole world over, than the common law of England.

With one fell swoop of his sword, however, Colonel Denison would cut off this heritage of centuries. He would reduce our whole system of administration of justice to the state in which equity was in the first half of the seventeenth century in England, when old John Selden declared: "Equity is a roguish thing. For law we have a measure. We know what to trust to: equity is according to the conscience of him that is Chancellor, and as that is larger or narrower so is equity. 'Tis all one as if they should make the standard for a measure a Chancellor's foot. What an uncertain measure would this be? One Chancellor has a long foot, another a short foot, a third an indifferent foot; it is the same thing in the Chancellor's conscience."

It was not long, however, before equity law in England rose almost, if not quite, as far beyond such a state of things as the common law, and Blackstone dates from the chancellorship of Lord Nottingham, in the reign of Charles II., the foundation of a regular and connected system of equity jurisprudence and jurisdiction, governed by established rules and bound down by precedent.

It might be admitted, indeed, that if we could multiply our Police Magistrate a thousand fold, and at the same time render him and all his duplicates immortal, so that one of them might preside over every tribunal throughout the country, we should at least have only the variations between two feet to reckon with, while at the same time all cases would come before an acute and thoroughly honest and impartial judge; but in no other conceivable way that I can imagine, could the system advocated by Colonel Denison fail to plunge the community, so far as the settlement of their disputes is concerned, into a condition of uncertainty far greater and infinitely more exasperating than anything which exists under our present system.

I can ask but a few lines to deal with the other two points.

(2.) How many courts of appeal there are to be is certainly a mere matter of convenience. If, however, there was only one