

thirty lawyers in this house, (a laugh,) and it affords an excellent opportunity for them to provide Judgeships for members of their profession. (Hear, hear.) I am not a little surprised that hon. members who have witnessed the beneficial effect of the present system, should now endeavor to deprive us of those benefits to gratify the wishes of a set of professional men who happen to be members of this house. He (Mr. Merritt) would resist the passage of the bill, though he should stand alone, because he believed it would be unjust and improper, in this hasty manner, to introduce an entirely new system, without giving the country an opportunity of expressing their wishes upon the subject.

Mr. HINCKS said that with regard to the people not having an opportunity of expressing their wishes regarding this measure, he thought they had had sufficient opportunity; the evil of the system had been found to be so great that it was thought advisable to appoint a commission to inquire into the matter: that commission entered into an investigation and reported upon the subject. That report had been before the house and the country for at least a year and a half. He (Mr. Hincks) had as good reason as any hon member to know what the wishes and feelings of the people were upon the subject of these courts, and upon the subject of the new measure now before the house, and he was not aware that a single objection had been raised against the principle of this bill, but on the contrary it was generally approved of. The hon gentleman from Haldimand had taken rather an extraordinary course. When the bill was before the committee of the whole house, that hon gentleman declared that the present system was perfectly satisfactory to the country, and now he finds it necessary to propose to amend that perfect system by introducing a jury clause. He (Mr. Hincks) agreed with the hon and learned gentleman from Hastings that there are probably defects in this bill which will require to be amended, but satisfied as he was that the present system is a bad one, he was satisfied they could not take a better course than to adopt the present measure.

Mr. COOK said he believed, notwithstanding what hon gentlemen had said about the Courts of Requests being so obnoxious, that those courts gave general satisfaction. There were as few complaints against that court as against any court in Upper Canada.

Mr. WILLIAMS said he had already given his opinion upon the subject at the second reading of the bill, and he saw no reason to alter that opinion. The great evil in the old system is, the improper appointments which have been made; but under this enlightened and liberal administration (hear, hear) it is reasonable to suppose that we shall have no such cause of complaint. The new measure is exceedingly objectionable in one point of view; it will materially increase the costs attending the trial of small cases, and will be exceedingly inconvenient in obliging suitors to travel a greater distance. He hoped hon gentlemen would allow the matter to rest until the next session of Parliament.

Mr. ROBLIN said it was with considerable diffidence he rose, after the divisions which had taken place upon the second reading of this bill, when he had made one of that miserable minority which an hon gentleman had alluded to, in opposition to this measure. (Hear, hear.) But he had not yet lost all hope that the bill might be thrown out. This bill was intended to do away with the system of jurisprudence which had been in existence for eight years, a system which he would not hesitate to declare had worked well. It was true there had been complaints, and it was not surprising that there had been, in a system so extensive it was perfectly natural. There is nothing of human institu-

tion which is perfect; but this does not prove that the system is so very objectionable that it is necessary to overturn it altogether. It is not believed in the country that such a bill as this will pass this house: if it were believed, we would have petitions almost without number in opposition to it. It has been said that the opposition to the measure arises from the selfishness of the commissioners, who wish to retain the petty power which they possess; but hon members seem to forget that the proportion of the gentlemen of the legal profession in this house is very large, while those whose occupation is to till the ground are few in number. Now, this measure provides a very comfortable living for seventeen of these lawyers; and I will call upon those legal gentleman who have seats in this house to take care that selfishness be not imputed to them in this matter. (Hear, hear.) The court as at present established may be truly said to be the poor man's court, a mere common sense arbitration of differences between neighbors; but when this complicated machinery comes to be substituted, a system of law rules established, it will embarrass the operation of the system, instead of improving it.—[hear, hear.] I am sorry to see the hon. gentleman from Oxford so much in favor of this measure. I hope he is yet open to conviction, and that he will not so easily be led to sacrifice the interests of the yeomanry of this Province: there are complaints against the present system let them be remedied, but do not destroy the whole system. (Hear, hear.) I will venture to say there have been more verdicts of juries set aside than there have been complaints against these courts. Then why not do away with the trial by jury? (Hear, hear.) There are now 1060 Commissioners, and you propose to substitute but 17 Judges, one for each District. Now it is impossible that one man can perform the duty which it has required the several Commissioners in the District to perform without protracting the sitting of each court to an unwarrantable length of time. You hold your courts but once in two months, and you by this means give the Judge four times the amount of business which the Commissioners have in a single court, and when you multiply this by the number of divisions in each township which you by this act consolidate, you have nearly twenty times the business which is at present transacted by three or four Commissioners. How, then, is one man to get through it? The suitors must be in attendance, the jury must be in attendance, and the witness must be in attendance. But the hon. gentleman says the Jury cases will be tried first. Well, this only makes the matter worse, for the poor man must wait before he can obtain a hearing of his small claim until the larger ones are disposed of. And another provision in this bill which is highly objectionable, and which deserves particular attention, is, that the evidence of the plaintiff or of the defendant is inadmissible. Those small claims, therefore, of which no proof can be brought cannot be recovered. All this bears oppressively on the poor man, and it also affords an opportunity to such as are roguishly inclined to practice fraud. He [Mr. Roblin] felt very reluctant to question the correctness of a measure introduced by an hon and learned member, but he believed he could satisfactorily show to that hon house that the measure was defective in many respects. He had already alluded to some points which he believed would be found to be exceedingly mischievous in their effects. Mr. Roblin then proceeded to compare the expenses of the present court with those of the one proposed to be established. It had been shown from returns which were in the possession of the house that the expenses of the Courts of Requests for the whole province,

as at present established, amounts to £10,000, out of which about two-thirds are bailiffs' fees, and the remainder belongs to the commissioners and clerks. The salaries of the judges and clerks, under the new system, together with the percentage allowed to the treasurers, would amount to more than double that amount for the performance of precisely the same duties. You have a jury also, and that jury is to be paid, which materially swells the amount. All questions submitted to the decision of the jury will be decided by a majority; that majority consists of three, only equal to the number who usually sit in each Court of Requests. Another thing which will materially swell the expense is that bailiffs are required to serve all subpoenas; but the worst feature of the bill is that it does not require an oath from judges or clerks, and it refuses to receive the testimony of the parties on oath. A man who has paid for a piece of work without taking the precaution to provide a witness to the payment may be sued and obliged to pay over again. [He should take a receipt.] Yes, take a receipt signed with a cross, and go hunting for a witness to the signature, it would be like the Welland Canal accounts! There is nothing in the Bill to compel a judge to administer an oath to the jurymen, [very true there is no swearing.] I suppose all parties are to be considered above suspicion. I hope hon gentlemen will reflect well before they adopt a measure so defective as this. [Hear, hear.]

TO BE CONTINUED.

ROUTINE BUSINESS.

MONDAY, July 26.

Of James Stocks and others, of the township of Etibicoke, Home District, praying for an aid to improve the shore on Lake Ontario next to the river Humber.

Of Louis Norreau, of the parish of St. Roche, of Quebec, State messenger of the Legislative Council of Lower Canada, praying to be reinstated in his former office, or remunerated for his loss of office.

Of Felicite Morin, of the city of Montreal, praying that she may be indemnified for losses sustained by her during the late rebellion.

Of G. P. Willgress and others, of the parish of Lachine, praying for exemption from toll on the turnpike road between Montreal and Lachine.

Of A. A. Adams and others, of the township of Barristown, in the county of Stanstead, praying that a general and liberal system of education may be established, and that the sacred Scriptures may be taught in all the schools of the Province.

Of George Babcock and others, of the town of Brantford and other places, stage proprietors and mail contractors, praying to be exempted from the payment of toll in the line of their contract.

Of John Burns and others, inhabitants of the township of Durham, praying that the work done at the public expense be done by contract.

Of William Bourron, Esquire, and others, of Godmanchester and other places in the county of Beauharnois, praying that an efficient system of education may be established in the Eastern part of the Province.

Of Archibald McDonell and others, of the townships of Gloucester, Osgoode, and Russell, praying for a tax of one penny in the pound on all wild lands for the improvement of the highways.

Of J. W. Woolsey, Esquire, and others, of Quebec, praying the Legislature to intercede with her Majesty for a full and general