

that is good, solid and lasting—that dishonest policy of dishonest and unscrupulous partisans is to be made the excuse for striking a blow at the high and exalted standing of the Bench. We are threatened with a new creation—a most capricious and not easily defined judgeship, which in its operations will prove to us an exercise—a cancerous tumor upon the liberties of the people—a thing rooted and grounded in expediency. Let the legislature—let the middle who brought forth this basing, and introduced it to the astonished gaze of Nova Scotia—aye, of British America—paint and gild it as they may—let them call it by what name they please—the heart of this gigantic scheme is a corrupt, lathsome, vile thing. Let it become fixed upon the country, and future generations will cause the hur when the atomizable egg was hatched in the filthy nest of expediency—when the exigencies of a worn-out, disappointed, faithless political Junus, whose career marked with evidence of deep cunning, yet short sighted policy, warn him to seek a covert from the storm—whose progress from one stage of expediency to another has disgusted the whole Province—around whose head are breaking the anathemas of a people who fondly trusted him, and who at last have found they had warmed a viper, which has stung them to the heart—to find such a man packing a pliant set of tools to build a downy nest of wool in which for him to repose away from beyond the reach of public indignation—while, if once carried out, one of the most daring and unprecedented acts of legislation. *Trust and justice* will be mild terms to apply to it. Talk of quackery, of the danger of allowing unskilled empirics to tamper with life; the legislature that would sanction such daring innovations—that would legislate into being a comar to feed its appetite on the property of the widow and fatherless, would scarcely be restrained from boasting men who should not.

“Shudder to thy wife, either by the naked knife Or by the sure and safe medium of empiricism.” These ideas have been suggested, Sir, by reading the bill introduced to the House of Assembly entitled “An Act to provide for the appointment of an Equity Judge,” or as it elsewhere says “A Chief Justice in Equity,” or, as it might and should have said an act “to create a nursery over by a famishing, worn-out politician”—a court to be enshrouded with gloom—on whose pillars are to be inscribed ruin, decay, misery and starvation—the order of which will sing:—  
“Let’s talk of graves, of worms and epitaphs;  
Make dust our paper, and with rainy eyes  
Write sorrow on the bosom of the earth;  
Let’s choose executors, and talk of wills!  
And yet not so, for what can we be reach,  
Save our deposed beds to the ground.”

A Chief Justice in Equity fasooth! And to possess the same powers, functions and privileges as a Judge of the Supreme Court. Why this title of Chief Justice in Equity? Who are the puisne Judges in Equity? Or are they to be appointed? Do some of the long-winded animals now cropping government be huge cast a longing, anxious, eager look to the Bench, and feel the necessity of a fresh addition to the Judges in Equity. Equity indeed! Dickens, in his masterly novel “Black House,” gives the uninitiated a fine specimen of this Equity or Chancery. Hear him:

“On such an afternoon, some score of men, to be, as they are, mostly engaged in one of the ten thousand stages of an endless case, or tripping one another up on slippery precedents, groping knee-deep in technicalities, ruminating their gut hair and horse hair warded heads against walls of sand, and making a pretence of equity with serious faces, as payee might—  
“On such an evening, the various collectors in the cause, some two or three of whom have inherited it from their fathers, who made a fortune by it ought to be—as they are—ranged in a line, in a long matted web (but you might look in vain for Fruch at the button of it), between the registrar’s red table, and the clerk’s gown, with his cross bills, answers, replies, orders, injunctions, all lavas, issues, references to masters, master’s reports, minutes of court, nonsense piled upon them. This is the Court of Chancery; which has its decaying halls, and its bright lands in every shire; which has its sect in every church yard; which has its ruined suitors, with his skin shrivelled and his cadavereous dress, looming and begging through the crowd of every man’s acquaintance; which gives to nobody might the means abundantly of weeping out the night; which exhorts sinners, patience, courage, hope; so overthrusts the brain and breaks the heart; that there is not an honorable man among its practitioners who would not give—who does not often give—the warning: ‘suffer any wrong that can be done you, rather than come here.’”

This is the sketch drawn of a Chancery Court, of an Equity Court, by the clever humor, Dickens. And who that knows anything of the constitution and structure of that beautiful “temple of justice,” but will agree, in a great measure, to the truth of the picture. And yet this is the Court, and this the system that Mr. Johnston and Dr. Tupper want to fasten upon us. We have had a taste of the Chancery Court in Nova Scotia, and it was abolished with all its iniquities—its Judge pensioned on the revenues of the country for life. Will the country calmly look on and see this monstrosity galvanized into new life.

By Chapter 127 of the Revised Statutes it is enacted: “The Supreme Court shall have jurisdiction in all cases heretofore cognizable and determinable by the Court of Chancery, and shall exercise the like powers, and apply the same principles of equity as justice may require, and as have heretofore been administered in that Court, and all suits that at present issue out of Chancery shall henceforth be issued out of the Supreme Court.” Section 3rd says: “The Court of Chancery is abolished, and all suits remaining undetermined in Chancery, together with all the rolls, records and proceedings of the Court shall be transferred to the Supreme Court, and such suits shall be transferred to the Supreme Court, and such suits shall be there heard and determined according to the provisions of this chapter.”

Now the Bill I am considering makes no reference to this act, but leaves it in full force and operation. By it the Supreme Court is not only a Court of Law, but of Equity. The jurisdiction of the Chancery Court by it is vested in the Supreme Court. Over that Court a Chief Justice now sits and presides. The bill then contemplates creating a Chief Justiceship to a Court that has no existence. But after the Chief Justice in Equity is appointed he is then to constitute a Court, and “it shall be his duty to make rules to govern the proceedings and practice in Equity, which shall be laid before both Houses within

the first ten days of each session of Parliament. This Bill says that the Chief Justice in Equity shall possess the same functions, powers and privileges as a Judge of the Supreme Court. Yet, Sir, I would like to know what Jud. in Nova Scotia ever had the power of “making rules to govern the proceedings and practice of that Court.” What guarantee has the country that the Chief Justice in Equity may not make rules and practice to subvert the whole fabric of equitable proceedings? It is the duty of the Legislature to make laws not to sanction them, and a pliant



ing died, and who so pompously threatened to agitate the country until the walls of that devoted building tumbled to the ground, would turn their attention to this matter, they might find a real cause for agitating the country—for agitated it will be when the full intention and scope of this iniquitous measure are fully understood.—The perpetrators of this job may succeed for the present, but I know the stuff of which Nova Scotians are composed too well to suppose that they will quietly submit to this headdress of iniquity being lodged on the civil institutions of the Province—that when the matter is thoroughly understood, one universal cry will go up to the Legislature from the cabin of the lath-woodman, as well as the halls of the rich and affluent to sweep away and forever that insult to our Bench—to our intelligence—to our people—to our country.—A Chief Justice in Equity, with a salary of \$2,200 per annum, spoken from the hard earnings of the people without a shadow of an excuse or a vertige of necessity.

In my next I will glance more fully at the Chief Justice in Equity Bill. EQUITY.

### “SIGNS OF THE TIMES.”

Mr. Editor— I have watched the course of the Government during the present session with much interest. Surprise upon surprise have followed each other in rapid succession, as wave follows wave upon the sea shore. The Educational Bill annoyed me—the Sheriff’s Bill alarmed me—the Pictou Railway Bill filled me with astonishment—and Johnston’s speech upon the Da House College Question was astounding. I thought when this last matter should be disposed of that the measure of indignity would be full; but I was fairly nonplussed upon reading to-day an article in a recent number of the *Halifax Citizen*, advocating the creation of a Judgeship for honorable Attorney General. I could not understand how such a proposition could gain admission into the pages of a newspaper under the control of Messrs. Garvie and McDonald, who, judging from their antecedents, I supposed would have been the very men to denounce such an abominable proposal in terms of the most unmeasured condemnation. But when I take into consideration the fact that Johnston, Tupper & Co. have carried the Pictou Railway Bill through the Legislature (a measure conflicting with all their views previously pronounced)—when I remember that Dr. Tupper declared on the floors of the House, early in the session, that he was never ambitious to be called a Tory, and defied any one to show where he had ever uttered a word in antagonism to the broad principles of Liberalism—when I consider the tone of Dr. Tupper’s speeches upon the Da House College Question, (not to speak of the favoring which he has been suddenly taken by the *Presbyterian Witness*, despite the Doctor’s former abuse of Presbyterianism)—I begin, I suspect, to have a vague perception of the causes which impelled Mr. Johnston to win the contempt of all honest men by voting “contrary to his feelings and conviction,” and to give the lie to every word he ever uttered on the subject of railways prior to 1864. I think, also, that I can conjecture why the *Citizen* folks have so suddenly discovered that a Tory Judge is an absolute necessity. The cloud may be no larger than a man’s hand as yet; but I predict that it will ere long overshadow the whole Province.

To me it seems evident that a flirtation is going on between Dr. Tupper and some of those upon whom, in times past, he delighted to shower the venous contents of his poison bag.

Has the Doctor discovered that Troyism is unpopular? Does he now wish to attach himself to a new party? If he would but adopt a new set of principles, more in unison with the spirit of age and in harmony with feelings and opinions of a majority of the people of Nova Scotia, could not all this have been accomplished without dragging Mr. Johnston through such a quagmire of uncertainty and degradation as all his doings in the Legislature, during the present session, have exhibited? Could not the honorable gentleman have been pensioned off without being forced to submit to humiliation and disgrace in his old age? Would he not, in by-gone years, have squandered upon such terms, the highest place of emolument or power ever in the gift of a government? There was a time in his history, I believe, when the carker-voims—insincerity and dissimulation—had not wholly undermined his self-respect.

If the price of a Judgeship is no less than the hasty abandonment, and the imbecile repudiation, of all the principles loudly, eloquently and dogmatically enunciated throughout a long political career—if it could only be purchased by the sacrifice of deep-rooted “convictions” and of all his better and nobler “feelings”—may not Mr. Johnston have earned his *thirty two hundred pieces of silver* at too much cost?

It matters little, however, to Dr. Tupper who sinks beneath the dark tide of public condemnation so long he himself can swim upon the calm stream of popular favor. But let the Doctor be careful in keeping his reckoning—the navigation is unsafe—there are dangerous rapids, sunken rocks and treacherous shoals in this apparently peaceful river. To save his bark from coming to grief on the sand-bar of Public Opinion, upon which so many unprincipled politicians have already been wrecked, I would advise him to employ two excellent pilots—Truth and Consistency.

But it is evident that Dr. Tupper has not been able to bend his aged colleague in Government

Correspondence.  
For the Free Press.  
**VERNMENT JOBBING.**  
A NEW COURT.  
**Justice in Equity, at a Salary**  
OF  
**\$2,200 per Annum.**

The progressive improvement of our system of justice may be compared to the fabric of high liberty as described by Mr. Hamilton, which rose step by step through much toil and difficulty; each generation adding some security to the rest and trusting that posterity would perfect the labor as well as enjoy the reward. Every innovation upon this system, every departure from the well defined landmarks of the jurisprudence of the country, should be narrowly looked at and scanned, and the motives actuating the movers jealously scrutinized and sifted. Destroy the confidence of the people in the judiciary and confusion, anarchy and despotism would speedily usurp the place of good government, and the enjoyment of liberty. Sweep away the bulwark of our freedom and the whole social fabric would crumble to dust. Place in the judiciary a Jeffries, of cruel, relentless, ignoble and mean passions, who glories in cruelty, and makes virtue of his wickedness, the people would tremble with terror as they saw the functions of a Judge vested in such a person. Happily for us in Nova Scotia, it is quite impossible, under our present system, that the Bench can become corrupt, venal and vindictive, making use of the power vested in it for personal vindictiveness and party spleen, or that mere chance and accident can place on the Bench a man lacking those cardinal principles of integrity and honesty of purpose we expect to find in the judiciary.

Yet the time, it may be, has arrived when a new order of things is to be introduced, a new and untried experiment made with the very fundamental principle of our judicial constitution. It may be that the dangerous doctrine of expediency—the wrecker’s light—that antipodes of all