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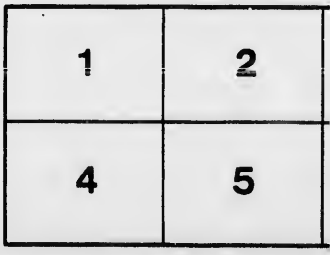

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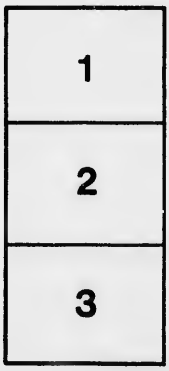

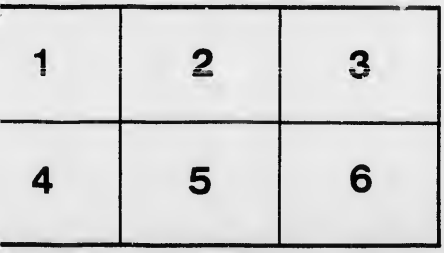

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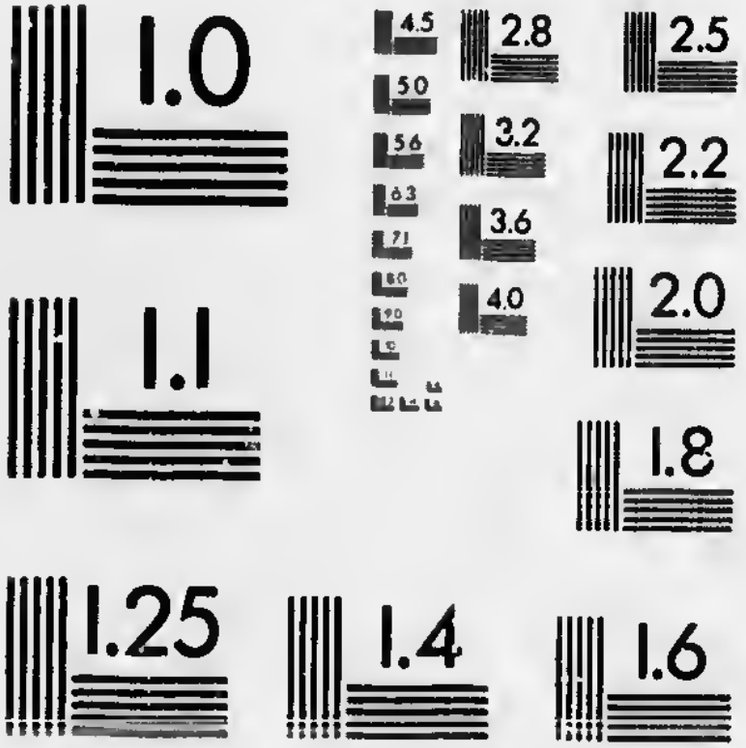

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A LETTER

ADDRESSED TO

THE HONORABLE THE CHIEF JUSTICE,

BY

THE HONORABLE THE MASTER OF THE ROLLS,

CHIEFLY RELATING TO THE

Present State of the Court of Chancery in Nova Scotia.

HALIFAX:
PRINTED BY JAMES BOWES AND SON, BARRINGTON STREET.
1852.

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THE HONBLE. THE CHIEF JUSTICE,
THE HONBLE. MR. JUSTICE BLISS,
THE HONBLE. J. W. JOHNSTON,
THE HONBLE. THE ATTORNEY GENERAL,
THE SPEAKER OF THE HOUSE OF ASSEMBLY,
WILLIAM A. HENRY, ESQ., M.P.P.

Commissionors "to enquire into the practice and proceedings of the Courts of Law and Equity—the practice and proceedings incident thereto, with a view to the transfer of the Equity to the Common Law Jurisdiction, if it shall be found practicable and beneficial to make such transfer, and with a view to simplifying and improving the pleadings and practice both at Law and Equity, and also if you shall see fit to prepare a Bill for that purpose to be submitted to the Legislature."

LETTER, &c.

HALIFAX, 31st JANUARY, 1852.

SIR—

I have the honor to acknowledge the receipt of your letter of the 21st of this month, informing me that "the Commissioners appointed to enquire whether any and what improvements can be made in our present system of Jurisprudence, would be much gratified if I would favour them with my views upon this important subject, and enclosing a copy of the questions which they had directed to be put to the several practitioners of the Courts of Law and Equity in this Province."

Having submitted it to the Chancellor, and received His Excellency's permission to reply to it, I now give you such observations as have occurred to me. Having had but little time to condense and arrange them, they are more protracted than I could wish. Imperfect, however, as they are, as they express my sentiments upon a subject to the consideration of which a great part of my life has been devoted, I shall be obliged by your giving them a place in the appendix to your report.

They are, as you will perceive, of a general character. Except in one instance, I have not specifically replied to any of your interrogatories. My principal object is, to endeavor to dispel the delusion under which our Equity system, as actually administered, has been made to suffer much unmerited odium.

In a communication to Earl Grey, dated the 10th April last, I repeated a statement, which I had made to the Lieutenant Governor, on the 28th of the previous month of March, viz.: that "there were here no arrears, such as are so loudly and so justly complained of in England; that there was not a single cause standing before me for judgment; and that very many of the reforms spoken of in the British Parliament and Press as desirable, were in operation in

this Province, and that some of them had been so for a considerable period."

I invite you to a rigid examination of the truth of these statements, not (I must be pardoned for saying) by assuming that evils exist, which require legislative interposition, but by calling before you *in person* those solicitors and suitors who have suffered wrong, and requiring them to specify the cases in which it has occurred, and the causes of that wrong. Your colleagues Messrs. Johnston, Uniacke, and Young, practice more extensively than any other members of the profession; they can contribute such cases as have occurred in their experience.

I would fain know and grapple with defects, to which, unless they are particularly stated and carefully considered, adequate remedies cannot be applied. I should have preferred that the enquiries I suggest had preceded this communication: not that I should have felt it becoming, or necessary, to enter into controversy with those who may adduce the particulars; but that the facts might be admitted, controverted, or explained.

These remarks do not refer to the fourteenth, but they are applicable to all those interrogatories which contemplate improvement in the Equity practice; for by them are suggested as defects now existing, matters, some of which, under the system as actually administered, have been long since removed; and alterations, which, if beneficial, require only to be stated to me to be made. It has been, for example, remarked to me, that it was a pity witnesses could not be examined, viva voce, in the presence of the parties, yet they are continually so examined, and may always be so examined if the parties desire it without commissions and interrogatories, before examiners in the country. Examining, and cross-examining witnesses and their incidents; passing, and enlarging publication and its consequences, is phraseology used alike in England and Nova Scotia, but it imports a very different meaning, here, and there. Yet, were not this the case, it were not desirable to centralize our system more, by bringing *all* the witnesses to the capital. Again, it has been urged that we have not set times, within which, as in the Supreme Court, the suitors must proceed. But we have such set times. Then it is assumed, that the practice gives too long periods for this purpose. Possibly; if so, an order can diminish their length. It is I see suggested, that the Master's duty may be done by the Master of the Rolls. This

would bring local business to the capital: yet that which can advantageously be done in the country before Master's extraordinary, or examiners, or otherwise, should be done there. I was much amused with the reply of a gentlemen in New York to my question, as to how they did Equity business without Masters. He said, "we dont do without them; we call them Commissioners." There is little analogy between the Chamber business of a common law judge, and that done in the Master's office. In cases where I have seen that I could save a reference I have done* so.

That the Legislature approve of reforming the practice by orders is apparent, for one of its last acts was to reinvest His Excellency and myself with the same power, under which the improvements in the pleadings and practice of the Court have been made. Legislative power then, in this respect, being possessed by its judges, it would seem to be superogatory to resort to special legislation for that purpose. To do so, will appear to imply that they are unable or unwilling to perform their duty. It will certainly incur the risk of marring the work I am gradually performing, and which only can be well performed step by step. In so far as I have yet proceeded, I have been encouraged by commendations in both branches of the Legislature; acceptable to me because I did not seek or expect them.

If, however, it shall be your pleasure to recommend legislation, and that of the Assembly to legislate on the practice; yourself, and your coadjutors may assure it, that I will enforce its enactments, to the best of my ability.

Unlike Newfoundland, and our East Indian possessions, law and Equity have always been administered by distinct tribunals in this Province, and a Chancellor and a Court of Chancery interwoven with our judicial and political institutions. To dispense with both, if the public good require it, is a public duty; but that serious enquiry should precede a measure so important, would seem to be a duty no less imperative.

Such an enquiry is now in progress. The country will await with anxiety the report of a Commission, comprising its most distinguished men, whose members have been honored, not merely by the nomination of the Executive Government, but by having

* It requires no Act of Assembly, or order to authorize the Master of the Rolls to do any thing, that a Master can do. He may do so virtute officii.

their names recorded on the journals of the representatives of the people as worthy of the office. From such a Commission may be expected a report, able, searching, learned, and minute, honorable to yourselves and the Province: a report which may be placed side by side in our libraries with the productions of the Jurists of England, and America, who have of late years been engaged in similar enquiries.

In every respect your Commission must be especially acceptable; to you men of all parties can confidently appeal, none making them afraid. You will be able to ascertain whether the Court of Chancery be, (as it has been stigmatized in influential newspapers) the "Monster grievance of the Colony," and a "sink of iniquity."

Not a petition to the Assembly (I speak of the last six years) has been preferred, or a case of wrong or oppression urged against it there, or in those newspapers. How is this if it be justly obnoxious to such odious epithets? One cannot take up an English newspaper without seeing some case of hardship urged against the Court of Chancery in England, and the table of the House of Commons has for years been covered with petitions for its reform." Is our Assembly less accessible than Parliament, or are our newspapers less ready to publish than the English? It is impossible to deal with declamation on such a subject as the present. Undoubtedly time is required in the prosecution of many enquires which are the subject of equitable jurisdiction. Delay and expense are inevitable in any tribunal, by which those enquiries are conducted. How can it be otherwise? In what other department in life are important affairs transacted without delay and expense? If the remuneration to the officers and practitioners be too great, it is the fault of the Assembly, by whom the fee table was recently revised. I shall presently compare the expenses of this Court, with those of the Probate Courts not long ago reformed by the Legislature, but before I pass from this topic I will say a word as to the return made to the House last session, of its business, during the last five years.—Without intending an invidious comparison, I must say, that, accurate conclusions cannot be drawn as to the comparative expense of the two Courts, until a similar return be obtained from the Supreme Court, and it compared with the *present* costs of the Chancery proceedings.

I am informed that in a foreclosure at Pictou, the costs taxed by Mr. Justice Bliss amounted to £40. Possibly there may have

been something extraordinary in that case, but at any rate, a foreclosure in Chancery, for any amount, may now as it has been reported to me, be effected for half that sum, and under some circumstances for less.

While I carefully examine the changes now in progress in the English Equity practice, I do not adopt them. They are too cumbrous and expensive for this country, and I fear not to place side by side with them the regulations under which foreclosures are now conducted. In the case of McCulloch vs. Veith, in which the Equities of redemption in three Mortgages made to three Mortgagees were foreclosed by one proceeding against them and the Mortgagor, the whole amount payable to them being more than £625, the costs on both sides, as reported to me, will be from £20 to £25. Not adverting to the greater delays of the Supreme Court in such matters, let those who speak of the comparative cheapness of the two Courts, enquire how much the parties would have had to pay, had those Mortgages been foreclosed in that Court?

But in making alterations in practice, care must be taken that in diminishing the work of the officers, you do not leave them without the means of existence. Hence, in England, such changes are always accompanied by some remuneration to them, upon a different principle than had been previously applicable to their labors. The income of the Chancery Registrar depends wholly on what may be called piece work, viz.: copying and filing papers. By the late general orders his income, as well as the remuneration of the practitioners has been seriously affected. Now the latter may protect themselves; but *he cannot.* Without a staff a Court is powerless. This consideration, therefore, is of great importance, so long as it is the policy of the Legislature that the suitors shall pay the expense of litigation.

I suggest, therefore, that power be entrusted to the Judges of the respective Courts, to compensate here, as in England, by allowing fees to them in lieu of the remuneration which the necessary reforms take from those officers, or that some compensation be provided for them by the Legislature out of the public chest. If such power be conceded to the judges, it will be well that any order they make for that perpose, before it becomes operative, remain on the table of the Assembly for a certain period; and I conceive a similar power, as regards the fees of

Counsel, Solicitors and Attornies, might be conferred on the judges, with advantage to the public. I am not unaware of the commentaries to which this suggestion will probably expose it, and me: but, as it is in my opinion, founded in justice and sound policy, I feel it to be my duty to make it.

The reduction of lawyers' fees has been long a labor of love to the popularity hunters of the neighbouring union, and its State Legislatures have acted upon this erroneous policy. But by it, the public, not the profession, has suffered: and the poorer classes have suffered most, for poor men as well as rich have rights to assert. When in New York I heard several of its most eminent Counsellors, and I do not hesitate to affirm that there are at our bar, whom it were indelicate to name, gentlemen to whose advocacy I would as soon commit the defence of my life or fortune, as to the most distinguished of them. Now their fees vary from fifty to five hundred dollars, for conducting jury causes, for which our best men receive from three guineas to ten. It is obvious that this different state of things arises from the more adequate remuneration which the law of this country allots to professional men. It is a matter of ordinary occurrence in the United States for a poor man to agree to give an Attorney one half of what may be recovered to induce him to undertake a suit. That is not so in Nova Scotia; such a bargain would be held illegal, and the practitioner, who made it, censured by the Court.

Of the delay ascribed to the Court, I repeat that there must be something very particular in a contested suit, which, if the Solicitors do their duty, can be protracted beyond a twelvemonth. Then, the prolixity of its proceedings, is still dwelt upon as if a remedy had not been applied to it, or as if there were in the system some ineradicable vice, which renders prolixity irremediable.

No doubt the practice* of the Court of Chancery is susceptible of improvement. But it is not chargeable with the accumulated sins which are ascribed to it. A Solicitor ignorantly multiplies proceedings, which the practice not only does not require, but which when it comes to the judge's knowledge he condemns; another does not push his opponent onward; straightway a third

* By the second section of an Act of the Provincial Legislature, which passed in 1833, re-enacted by the Revised Statues, the Court where there has been no local practice is directed to adhere to the English practice, until altered by orders made by its Judges.

points to this prolixity and delay, as inherent in the system itself. If you adopt my suggestion as to the mode of making your enquiries, the results will do much to disabuse the public, on this head.

I desired one of the most extensive practitioners in this City to furnish me with a statement, taken from his costs book in succession, of the taxed costs of half a dozen contested suits, and also a memorandum of the expenses attendant upon two causes appealed from the Courts of Probate of Annapolis and Colchester. Here is the substance of the statement, which I give you with the explanatory remarks of the writer:—

Almon vs. Handley—Contested suit—£76 18s. 10d. Bill filed to foreclose second Mortgage and to redeem first Mortgage, and to settle accounts between Mortgagor and Mortgagee—Defence Usury—Decree for Complt. after argument of cause.

Almon vs. Wilkins, Exr. of Mortimer—£67 0s. 2d. Bill filed to settle account between Mortgagor and Mortgagee, and to confirm sale of lands, and to settle the accounts of Estate—Complt. claimed full payment of Mortgage from assets of testator—Decreed after argument.

No costs taxed for Deft.

Kinnear et al vs. Williamson, Exrs. of Brown—£152 5s. 10d. Bill filed by guardians of Minors to take the accounts and settle maintenance of Minors—Suit contested—Accounts voluminous taken under decree.

Taxed costs of defence and Counsel fee—£132 5s. 10d.

Debarres vs. Niles—£69 0s. 0d.—Bill filed for specific performance of agreement—Suit contested—Witnesses examined—Bill dismissed after hearing.

Costs not taxed for Deft.

Cameron vs. Howe, Admr. &c.—Contested suit. Suit filed for account and payment of certain notes from

Estate of Intestate—Several witnesses examined—Bill dismissed after argument.

Costs not taxed for Complt.

Costs on Appeal £28 2s. 4d. in all £78 12s. 2d. Appeal and decree of Court below affirmed by Chancellor.

Hendricks vs. Messenger—£84 19s. 0d.—Contested suit. Bill filed to establish a prior Will charging fraud and suppression of Will—Witnesses examined—Bill dismissed.

No costs taxed for Complt.

In the matter of McElhenny's Estate, which came by Appeal into Court of Chancery—the costs and expenses in the Probate Court at Truro exceeded £300.

The costs and expenses in the Probate Court of Exr. were £163.

In the matter of the Estate of Clarke on appeal to the Supreme Court from the Probate Court at Annapolis, the expense of taking the account in the Probate Court appears to be £125 4s. 6s.

"In this case, the Court of Probate had no power to settle all the matters in difference, and a Bill has been filed in the Court of Chancery. If the Bill had been filed there in the first instance the expenses in the Probate Court would have been saved.

You will see by it that, while the costs of these Probate Causes are swollen to hundreds of pounds, one of them amounting to £300, those of the Chancery Suits, even before the recent general orders, do not reach the average amount of one hundred pounds; in one of them, to little more than half of this sum. It is significant too, as this gentleman remarks, that one of these Probate Causes is as far from being terminated as ever, and that a bill has recently been filed in Chancery to settle the Estate, as the only tribunal competent to do so.

I will now turn for a moment to your fourteenth interrogatory. The mode in which Appeals are conducted in this country, is peculiar to it, and probably grew out of the 6th Sect. of the Chancery Act of 1833. In Jamaica, whose written Constitution is like our own, the appeal is direct from the Vice Chancellor to the Judicial Committee. It has been repeatedly suggested that as appeals in Chancery are, in effect, decided by the judges of the Supreme Court, it were better to authorize a direct appeal to them; but the suggestion evinces entire unacquaintance with the subject.

First of all is the delay (of itself an insuperable objection) arising from the infrequent meetings of that Court, whereas the Chancellor's attendance can be always procured at an early day. For it is not (as is the case at law) by one decree a case is decided; in Equity, there are frequently several consecutive decrees, all of which, the parties have, and ought to have, an opportunity of questioning. That our mode of disposing of appeals is open to theoretical objections, I admit; yet it preserves the analogy to English appeals, which is no slight consideration, since from the Chancellor an appeal lies to the Judicial Committee. The abortive efforts which have been made in the United States to constitute Courts of Appeal, evince the intrinsic difficulties of the subject. In England the business of the Judicial Committee does not induce the attendance of the bar, at the ordinary remuneration. There are several advantages in our mode of dealing with appeals. First, it is much less expensive than a direct appeal to the Supreme Court would be. By the construction which I have given to the rule regarding the deposit of £20, it is in effect, but a security for the costs of the appeal. Second, I have authorized instead of the former voluminous petition, a brief petition which does not occupy a folio page. Third, as the parties must bring all their points before the Master of the Rolls, in the first instance, litigious suitors are precluded from lying by and harrassing their opponents, while the points, as to which the appellant conceives the Master of the Rolls to be in error, are narrowed down to one or two. Then, while the appeal is pending, other parts of the suit may be going on at the Rolls, a circumstance of much weight in considering this part of the subject, but which does not readily occur to a person who is only conversant with proceedings at law. And it is in my opinion, this error which misleads many who think that the subjects of equity jurisdiction may be disposed of by a jury.

How much of theory there is in this objection, and how little of inconvenience can have been experienced, are apparent from the fact that, during the last eighteen years, there have been but *seven* appeals; on an average, about *one* every two years and a half. There have been *three* only in my time. And the same observation emphatically applies to the objections usually made, as to issues of fact, and questions of law, which may be sent from Chancery to the Supreme Court.

On several occasions I have offered issues of fact to the parties; in every instance they have been refused, and I have been asked

to decide myself. But there has never, that I can learn, been an issue of fact sent to the Supreme Court; and but one case for its opinion on a question of law, and that I sent myself the other day.

There have been then, seven appeals in eighteen years, no issues of fact, and but one legal opinion required, during a time, whereof the memory of man runneth not to the contrary.

It is a controversy between theory and facts: you must decide it—

"Non nostrum inter vos tantas componere lites."

Theoretical objections have little weight with me. They are urged now-a-days against almost every thing that has *worked well* in English Institutions, including the Royal head of them all.

Reposing implicit confidence in the assurance, that, if it be determined to administer law and Equity in one tribunal, my rights will be respected, I have no hesitation in making a few remarks, upon that, the most important subject of your deliberations.

You will have seen that the result, so far, of the recent agitation on the Chancery Court, in England, has not been to abolish, but to add two new judges to it; you are also probably aware that in 1841 the Imperial Parliament transferred the Equity jurisdiction of the English Court of Exchequer to the Court of Chancery, and that in 1849, the Equity jurisdiction of the Irish Exchequer was, in like manner, transferred to the Irish Court of Chancery.

If you adopt the principle of the bill, which passed the last House of Assembly on this subject, you will not follow, but depart from the example set you by the British Government and Parliament. That there are British possessions in which law and Equity are conjoined in one tribunal, the Supreme Court, is well known. I have already alluded to them; and probably *with great care*, an Act of the Legislature might be framed to combine them here. For it is observable that the bill of the last Assembly, did not propose to abolish Equity jurisdiction, but to vest it in the Supreme Court; to that intent to make me a judge of the latter, and to simplify the Equity proceedings. I presume none will now contend that it would have effected the latter, and, judging from the proceedings of the Probate Courts, and the costs of them, it must now be apparent also, that it would have enormously increased the costs of litigation. Appeals, you will perceive, from the Probate Courts are infrequent, but, as the 12th and 13th sections of that bill are

frau[illegible] appeals must have been considerably multiplied, had it pass[illegible] into law. These sections are as follow :—

"The Court before whom the issue is tried may thereupon pron[illegible]nce such final or other decree as shall appear just and equ[illegible]ble, or in cases of difficulty may direct that the hearings shall take place before the Court at Halifax."

"An appeal shall lie from such decree to the Court sitting at Halifax, on such terms, and in such way, as shall be prescribed in the code of practice."

This bill is in great part copied from an Act of the Legislature of the State of Ohio, which never had a separate Equity Court, and whose judges are septennially elected. I know not how the Ohio system works, but I do know, that in the Scottish, in which the Lords of Session have combined legal and Equity powers, the machinery is cumbrous, expensive, and almost interminable.

A good deal has recently been said of the New York code, by which the whole jurisprudence of that State has been revolutionized. Just before his death, the late Chancellor Kent addressed me a letter, in which he expressed himself as follows :—

"The late constitutional revision in this State, abolishing the Court of Equity, and making all the judges elective, I hold in utter detestation, as tending to a disgrace, if not prostration of our jurisprudence." And an eminent lawyer in Boston recently told me, that "so great was his apprehension of its results, that he would neither own property in New York, nor reside there."

It has been said that by it the proceedings have been greatly shortened. Judging from the pleadings in Ray vs. Van Hook, which I have been permitted to see, I assert that, under our general orders, our pleadings may be more brief than those of New York; and if one general interrogatory be substituted for the interrogatories now in use, as in the case of foreclosure bills, and which I have for some time had under consideration, they will be still shorter. I repeat that they may be more brief now, for in New York they have a special replication (in this case of Ray vs. Van Hook, extending over 25 folios) which we have not. So much for prolixity, and as to delay, if I was correctly informed when there, where we count weeks, they count months, in bringing causes to an end. On the actual expense to suitors in that country, and its injurious effects upon the poorer classes, I have already made a few observations.

I have referred to this code, somewhat at large, because it has been lauded and spoken of as worthy of adoption by us. It had

not been wholly introduced into that State, ere a gentleman named Field journeyed to England, and proclaimed everywhere, that it "had *worked* beautifully in his State," and the Commissioners who prepared it, bear this handsome testimony to their own labors. "Although the law of rights is a *vast science*, the accumulation of numerous countries and ages which it requires study and patience to comprehend, yet it is believed that the practice of the Courts is here set forth in such a manner, *that no person need have occasion to witness a legal proceeding, read a pleading, or render a verdict, the meaning of which he does not comprehend.*" Happy Americans! every man his own lawyer; yet the legal corps of New York is more numerous than ever; and the "lay gents" there, perversely refrain from reasoning and pleading in the Courts, on their own account, the code notwithstanding.

The Americans are somewhat imaginative when they speak of their institutions, and almost every change is an institution, until it comes in its turn under the law of mutation, which is not, to be sure, very long.

Those who praise the New York code, which had been represented to the English people, as *perfect*, admit that it requires, "*further legislation*," and "*various amendments.*" Of course it does; the judges are only elected quinquennially; they should be annually chosen. The popular hare is not yet run down. "The Judicial, the most intractable power in the State, is unbearable by despotism, individual, or collective. Napoleon is about to *remodel* the French Courts, so as to rid himself of the inconvenient control of judges he cannot trample on or set aside."

Old England, with whose institutions our democratic neighbours delight to compare their own, has still something in the legal way to boast of. The judges of Westminster Hall are not influenced by public sentiment,* nor is mob law recognised as the expedient exponent of it in the British dominions. We shall see if the lust of gold introduces Judge Lynch into Australia.

As there was no provision in the bill of the House of Assembly for a pension to the Registrar, or his transfer to the Supreme Court, permit me to commend his claims to one or the other, in the event of the abolition of the Court of Chancery. He has held the office twenty years; he accepted it when he had every reason to believe it to be a permanent one, and it is his sole dependence.

* Earl of Carlisle's Lectures.

His conduct has been such as to entitle it to my entire approbation, and I am quite sure, if you will give to his claims the weight of your recommendation the Legislature will regard them favorably.

Turning from the Court of Chancery to more general considerations, I would submit to you the policy of paying the officers of the Courts by salaries, instead of by fees as at present. I allude principally to the Prothonotaries and Chancery Registrar, although I also think that, to the extent of a moiety of their incomes, the principle is applicable to Sheriffs. I really can see no reason why this should not be done as regards the officers I have named, as well as in respect to the superior Judges; but this is a topic on which I will not enlarge, but recommend it as one well worthy of the consideration of the Legislature.

I would also suggest the justice of paying jurors (besides moderate travelling fees where they come from any distance) at least a dollar a day during their attendance on the Court. I really cannot understand, and never could, the objections by which this proposal has been often met; nor why the poorer classes, from which the jurors are usually selected, should be compelled (frequently at the most inclement season of the year) to leave their homes, travel a great distance, and maintain themselves, while they are performing a public duty.

I would fain invoke your favorable recommendation of a proposition, long a project of mine, and now the law of England. I allude to a measure I introduced into the Legislature several years ago, for permitting the parties in a cause to be witnesses also. I should like much that our profession should have the credit of inducing its adoption by the Legislature. For that it will become the law of this country, and that shortly too, I cannot doubt. That is a measure which would indeed diminish litigation; and now, that the Imperial Parliament has set you the example there surely can be no danger in following it.

I confess to a great dislike of *wholesale innovations* in jurisprudence. Such changes are full of peril. Neither political, nor legal institutions can be advantageously abrogated by a *coup d'etat*. Free communities, become attached to those under which they have been born and bred. The Scotch are not yet reconciled to the trial by jury* in civil cases; the English eschew fugie warrants, and

* See article in the Law Magazine, May 1851, pp. 131.

letters of horning and caption; and the Americans are horrified by the use of the Queen's name in our Courts of Justice. I do hope, therefore, that that, which rumour ascribes to you, is untrue, namely, that you are about to recommend the abolition of *all* forms and modes of procedure.

I have long been under the conviction, that behind them, and protected by them, repose in safety the rights of property, and the security of personal liberty.

I would simplify those modes, abolish useless forms, reduce needless prolixity, and diminish inordinate expense. Yet must I ever look with apprehension upon the removal of ancient landmarks. I would widen and strengthen, and repair, our old ways, but never, except upon proved necessity, abandon them.

I have the honor to be,
Sir, with great respect,
Your most obedient,
Humble Servant,
ALEX. STEWART,
Master of the Rolls, Judge of the Court of Chancery of Nova Scotia, and Judge of the Vice Admiralty Court at Halifax.

The Honorable
THE CHIEF JUSTICE.

P.S.—I have directed the Registrar to enter this communication in the Minutes' Book and a few copies to be printed for convenient reference.

PUBLISHERS' NOTE.—We regret that the name of the Honble. JOSEPH HOWE, Provincial Secretary, one of the Commissioners, was inadvertently omitted in the above list.