they should be refused these. He would offer one considecation more, though he was fearful of indulging at so much length, yet he was desirous to make the matter understood. That system of justice in the courts of Common Pleas, was erecting a tribunal in every part of this province, to bring home justice to the door of every man No man would be required to go further than the pale of his own vicinity or his own home, to obtain redress. If that system was good, that that was the good system which this bill was endeavouring to effect. These considerations had induced him (Mr K.) to frame this bill. He had all along desired to see such an amendment in the law, with regard to the C. P. inferior courts, and with regard to the recovery of small debts, and moderation in their quarters; but unless he could obtain it to suit the administration of justice as well as the profession, he should feel that it was not effecting any good But the costs at present due in the court of common pleas, are enough to frighten any body; and yet, out of the whole list of fees, the attorney gets almost nothing for his services. There never was a worse system. With regard to the change proposed, it would be a benefit to the attorney; but that benefit would by no means amount in value to the loss sustained by the profession at large, in being deprived of much practice in the Supreme Court. The hon. member then stated, that he had prepared a division of the counties of the province, so as to make three regular circuits for the three barristers, though he had not included it in the bill itself — He then moved the reading of the first section of the bill.

Mr. CUNARD thought every hon. member must be sensible of the great pains the hon. mover of this bill had taken in preparing it; and in his (Mr C.'s) opinion, the house and the country at large were therefore much indebted to him. The hon. member then proceeded to advocate the propriety of reporting progress and asking leave to sit again, in order that every facility might be afforded, for members to acquire a thorough acquaintance with the bill; and made some animadversions on the Magistrates' courts, which he considered more pernicious to the morals and general welfare of the inhabitants of this country, than any other in the province. The hon. member herefore expressed a hope that something might be done to amend these courts also; and as to the inferior court of common pleas, he observed, as a judge of one of those courts, that the justices of the same in general, did not understand the administration of the law. He thought the judges of those courts should be persons so sufficiently versed in the law of the land, and so impartial and disinterested, that they might be enabled to render due justice in every case.

Mr. CHANDLER observed, that so far as the bill interested himself, he thought it an excellent one. As a lawyer, and as a clerk of the common pleas for the county to which he belonged, he was of course much interested in the fees mentioned in the bill, and if he were to consult merely his own interests, he must of course wish those courts to remain in their present state But it gave him much pleasure, as it always did on similar occasions, to support any proposed improvement in the administration of the law. It gave him, on this occasion, much greater pleasure to advocate the bill, than it would have done had it tended to increase his own fees. For the general object of the bill, the country certainly owed a great deal to its hon. mover, who must have spent a great deal of time and labour on it, and given it very much care and consideration. The objects of the bill appeared to be two-fold. First, to reduce the costs of proceedings; and 2 lly, to raise the jurisdiction of the present inferior courts, and provide justices capable of presiding in them. The bill would effect the first object to all intents and purposes; and its effect would therefore be, to remove much litigation from the superior courts, and to confine the proceedings to the inferior. There might be some small amendments made in the bill; but its general scope was so good, that he (Mr C.) should go heartily for it. But as to the contemplated professional judges of the inferior courts, (the hon. member here disclaimed all professional views and motives) he certainly thought, that if the bill should pass at all, it must indispensably pass with that provision as part of it; because the first part of the bill went to increase the jurisdiction of the inferior courts. The great object of suing in the supreme court was that that court bound the lands of parties, which the inferior courts did not; and the consequence would be, that if the judgments of the inferior courts were to bind the lands, nearly all thef pleas of the country would be made in them. The question then was, would it be expedient to put such jurisdiction into the hands of persons not properly qualified to execute it? He (Mr C.) would by no means wish to reflect on the present justices of those courts, but he felt confident, and they themselves admitted, that they were incompetent to such duties. The great question then was, whether the house was now prepared to make proper provision for the payment of the contemplated justices of the inferior courts; because, he contended, that if part of this bill passed, the whole of it must. He could not, however, altogether, go with the views of the hon. mover of the bill He agreed with him as to its general principles, but he thought two circuit judges would be enough for the purpose, and that they ought not to be allowed to practice in the supreme court at all. They should be confined to judicial practice entirely. If otherwise, they might be indirectly interested in many cases in which they sat as judges. They might advise cases to be brought into the supreme court, in which their professional exertions, as barristers, might be required and employed He (Mr C.) would rather be for giving each of them £500 per annum, as common plea judges, and confine them wholly to their judicial duties They should not even be eligible to seats in the legislature. The hon member then made some allusions to the bill passed some time since in Nova-Scotia, and expressed a hope that this bill might be carried in a very different way. He hoped that whatever bill should pass in that house, affecting the administration of justice, it might not pass by mere professional influence, but by the approbation and for the good of the whole country. He would support this bill, in order that it might pass entire, or not at all. He thought it would be useful to the country. The hon. member also observed, as to costs, that the present rate of costs amounted in many cases, to a denial of justice; and that it would be better for all parties if they were less.—As to the consideration of the bill, if it was the opinion of the majority of the house, that it would be expedient to take the sense of the whole country upon it, it might be better to postpone it altogether till next session; but if it was deemed most advisable that it should be passed this session, it would be as well to do so now as at any later day, and there would be no necessity of reporting progress.

Mr SCOTT said, that it had been stated by the hon. mover of this bill, and by his hon. and learned colleague, that the main view of the bill was to lessen the costs of suits in the inferior courts of common pleas, and to improve the administration of justice. He (Mr S.) thought both these hon. members must be mistaken. As to costs. The provisions of the bill would bring the present ordinance table of fees under the sanction of a law; because such parts of the attorneys fees as are not recognized by the bill, would come under the taxation of the ordinance table. This, he hoped, would never be the case. But the bill would cause it; for, after taxing all the costs named in the bill, reference must be had to the ordinance fees at last.—As to the improvement of the law. The hon. mover had informed the house, that attorneys dreaded bringing suits in the inferior courts, because they got but £1 19 2 out of a very large bill of costs, and this was presumed to be a hardship. It must, therefore, but very delicately, be presumed by the house, that this bill had some way of raising the fees of the attorneys. What would the bill do in the next place? Why it would make snug situations for two or three lawyers. But if only one were appointed, that would add greatly to the civil list of the province, which he (Mr S.) expected the house would soon have to pay themselves. They had been told that they now paid only about £700 annually, for all the existing law establishments. But it should be remembered that the salaries of the judges were not calculated in that statement. The Chief Justice was paid £750 per annum, and the other Judges £500 each. If then, two or three more were added to the civil list, say three, at 300l. each, there would be 900l. per annum more.—The hon. mover had referred to the subject of the grain and fish bounties; and well had he remarked upon it Surely enough, the grain and fish bounties must be repealed if this bill passes; because then there will be nothing to pay them with. There will be nothing in addition for roads then. It was said, that by repealing those bounties the house would get so much the more for the roads. But that was a great mistake It would all go into the heavy clutches of the law; and this would not be the worst. If these three Judges were appointed now, by and bye they would want six. The roads would be bad, and the distance very great. The circuits would require division, and six Judges would be necessary, and the salaries would be quite too small for their very arduous duties. And why would the duties be arduous? Why because this bill went to make these Justices both Judge and jury. They were to come into the field with all the weighty knowledge of the law, and were to do without a Jury. Because a Judge was to be sent, with a large salary, it would be said, that parties must not listen to a jury. 'Who were they, indeed?' What were a Jury? They were only a panel of ignorant men, picked up by the Sheriff. People must not listen to them, but only to the Judge. He would be orthodox. He would know the law. The Jury would be of no use.—This country had been long struggling for various rights; but here was a bill to take away another right from another class of men, to take away the rights of jurors. The hon. member here referred to the duties of Jurors, and observed, how often did Juries bring in verdicts contrary to the feelings of Judges and Lawyers. And why did they do so? Because they weighed the evidence well in their own minds, and regarded not attornies, The hon member also contended that Judges, &c. principally paid attention to points of law, but Jurors paid attention to the evidence; from which they made up their minds, and gave their virdicts. The hon. member however, did not make himself sufficiently intelligible for us to gather his remarks clearly. He then proceeded to observe, that it was the privilege of Englishmen to be tried by a Jury of twelve honest men. Why, then, run the country to this new expense? Why open this door? It would not do to put this bill off for twelve months. It must be decided now. His hon. colleague, very naturally, out of politeness, must say something in favour of the hon. mover of this bill. But he was mistaken as to the benefits of its operation.—It had been observed, that the Judges of the inferior courts of common pleas were often imposed upon by attorneys, who differed in opinion and made contrary statements as to what was the law; and that the Justices were therefore frequently at a loss. This might be the case; but the Jury generally put the matter right. However the house should be a little careful, not to be led astray by such arguments. Then it was considered that litigation was now much diminishing, (and it must diminish as the country improved,) it seemed pretty probably that this was well looked to by the learned profession. They must have observed to themselves, 'these things must diminish, and then how are we to live?' The hon. member then observed, that he did not, like Mr Cunard, wish the bill to be postponed, that further information might be acquired. He (Mr S) had read the bill minutely through, and he saw nothing in it but what would tend to the injury of the province. The hon member then adverted to the similar law in Nova Scotia, and contended that it had only increased litigation and expense, and he thought that the more the house paid out of the province chest for the maintenance of the law, the more the people individually would also have to pay out of their own pockets for the same purpose. The hon member concluded by saying, that as soon as he saw a proper opportunity, he should move the postporement of this bill for six years.

Mr PARTELOW had heard enough to induce him to believe, that a similar bill to this would, on some future occasion, pass the house. Great credit was due to its hon framer and mover, but he [Mr P] was not prepared at present to go into its merits. He required further time for information. The first clause of the bill went to repeal twenty existing acts of the legislature,—which was a most important measure. As to the constitution of the courts in question, the lessening of the fees, and the extension of jurisdiction, he thought the provisions of the bill absolutely necessary. But the fees of the Supreme Court should also be considered, and the practice in both courts should be assimilated, so that the fees in one court should not be more than those in the other. If the bill should pass, (however some might object to the appointment of professional Justices,) if the house should be of opinion that the courts ought to be extended, he certainly thought it proper that legal gentlemen should be appointed to the Judicial office Still, he did not think the time was yet arrived, to afford the necessary expense. At least several hundred pounds annually would be required; therefore, he thought the House could not, in the present state of the country, well find the money. That was his principal objection to the bill at present. He also required further information, and for this reason he thought it would be better to postpone it till next session.

Mr KINNEAR, in reply to Messrs. Chandler and Scott, observed that they had apprehended the design of the bill was to lessen the fees. But it was not so. The fees would be about the same as they are now; but the object was to make such a fair and equitable distribution of them, that the officers of the court and the attorneys would respectively receive a more just amount for their labour. The only way in which the fees would be lessened, would be that actions would not so often be brought in the superior courts.

Mr SIMONDS did not object to the general principles of the bill, because he thought them very good. But if the whole of the bill was intended to be passed, he should object to the jurisdiction of the inferior courts being so limited; because, if it was necessary that Barristers should be appointed as Justices, why not make the inferior courts something similar to the court of common pleas in England? Let there be no limit at all. Let them have the same jurisdiction as that court in the mother country. If Barristers should be appointed, they must have adequate salaries, and there would then be no reason why the jurisdiction of the courts should be limited at all. In England, the court of common pleas may take cognizance of matters of account to any amount. This was one view of the case, and he thought it worthy the consideration of the committee. Certainly, the jurisdiction of the courts appeared to be very limited, when persons of such great legal knowledge were to be appointed the Judges. The hon. member also thought that the Barristers appointed should have competent salaries, but no fees at all. This regulation would be following up the practice of the mother country. Fees to Judges are not allowed there in any cases, except on matters before them in Chambers; never in causes before the court. All fees that could be abolished, had been; but it had found that some few could not be done away with, and the act of abolition therefore provided, that such fees should be paid into the the Exchequer. This was a very good enactment. Judges ought to have no pecuniary interest whatever, in cases tried before them; as they would have, if this bill passed, without alteration. This would not be proper, if they are to have salaries from the public chest; and he must therefore object to that. He also agreed with the hon. and learned member from Westmorland, (Mr Chandler) that such appointed justices should not be eligible to the Legislature They should never be allowed to become acting politicians. This was wholly contrary to the constitution; altho' from the necessity of things, the other Judges had been allowed to sit in the Legislative Council. Yet when the house was creating new institutions or offices, it should provide against all such defects and existing abuses The dispensers of the law ought to have no share in making the law. It appeared that costs were not actually to be reduced by this bill. Perhaps they could not be. He (Mr S) had been informed, that the costs now in the Inferior Courts of Common Pleas were not more than they ought to be; but that they were not properly distributed. The attornies gave a very trifling remuneration for their trouble. The bill went to distribute them more properly—The question had been asked, what did the house do for the support of the judicial institutions of the country? It was true that the house did but little; but the province at large actually paid very large sums annually for that purpose. The Judges' and other salaries, altho' not yearly voted by the house, yet were paid out of the Casual Revenue of the Province; which revenue however, should no longer be called casual, as it seemed to have become very permanent. He (Mr S) was not capable of judging of the mode of practice laid down in this bill; but he folly relied on the judgment and talents of the hon mover. He thought it would be a very