

great improvement of the law. But he had some doubts as to the 15th section [which provides for the appointment of the Barristers,] whether it was advisable at present to create such an additional expense. If however, the majority of the house should think it advisable, then they should have the same jurisdiction as the court of common pleas in England; which would be a substantial good to the country. Otherwise, if the province were to pay large salaries, and yet allow the jurisdiction to be so limited, the public would not benefit by the bill to the degree expected. He also thought that those judges should not be allowed to practice in the supreme court. Any man, sitting as a judge in one court, ought not to be allowed to act as a lawyer in another. He might in either case forget his character, as a judge or as an advocate. This might produce much evil, and had better be avoided. The member concluded by observing, that he would leave it to others, more capable, to judge of the details of the bill.

Mr KINNEAR explained; that the bill gave a concurrent jurisdiction to the inferior courts, with the superior courts, and did not limit the jurisdiction as Mr Simonds mis-apprehended.—As to the fees, he agreed with Mr S. that it would be better to strike off the whole of the Judges fees.—In framing the bill, he had struck off the fee of 2s. 6d. on issuing the writ, for which he could see no plausible reason; but he certainly did not like the principle of judges taking fees at all in cases before them. He therefore entirely agreed with Mr S. on this point altho' that would again affect his own pecuniary interests as Recorder of St. John. He derived some income from judicial fees in that situation; but he should willingly renounce them altogether.

Mr WYER thought this a bill of great importance. He trusted some such bill would, at a future day, become a law of the land: but whether it was advisable now, was the principle question. He thought, when it was considered that it would repeal twenty existing acts, the House should hesitate. It also went to provide for certain barristers, to be appointed justices. The funds of the province were now very low; and insufficient for such provision. He thought the bill should be published in the Royal Gazette, and read at the sessions of the peace of every county; so that their constituents and the whole inhabitants of the province might have an opportunity of expressing their opinion on it. He knew that in some parts of the province the people now think that the inferior courts of common pleas possess already too much power. He should be inclined to move the postponement of the bill till next session.

Mr. WELDON next rose; but we regret that the hesitating manner and low tone of the hon. Member prevented our clearly gathering his remarks. We understood him to testify his approval of many of the provisions of the bill, and to object to some other; while he observed that it was generally admitted, that some alteration in the inferior courts of C. P. was necessary.—He advocated (we believe) the expediency of assimilating the costs of the superior and inferior courts.—The hon. Member observed that in many cases, where the cause of action was under £40 material witnesses might reside without the province; but the bill contained no jurisdiction to the judges, to issue commissions for the examination of witnesses. Also, there were many cases where the plaintiff and defendant resided in different counties; or the defendant might abscond from the county where he had been residing. He (Mr. W.) would never be for making the plaintiff follow the defendant; but would give him the privilege of bringing the defendant back to his own county. Again, in giving jurisdiction to these courts, he would give it in cases where lands were affected; but, at the same time, it should be competent for the defendant, if he had no high opinion of those courts, or of their judges, to remove it by writ of *certiorari* into the Supreme Court and there it should be finally decided. He would allow the Supreme Court its original jurisdiction, and let the party go into which court he pleased.—The hon. Member advocated the necessity of providing competent professional judges in the inferior courts of common pleas, but also contended that they should preside likewise at the sessions of the peace. He would also preclude them from any other professional employment or avocation whatever. The hon. Member expressed a desire to postpone the bill till next session.

Mr S. HUBERT then addressed the House, but in as rapid a tone, that it was impossible for us to collect his remarks, except in DETACHMENTS. The hon. Member commenced by expressing his conviction that under all the circumstances, the bill having been printed for the express purpose, the House must be quite aware of its nature, and prepared at once to go into consideration of its merits. He considered the hon. Mover deserved the thanks of the House and of the whole province, for his disinterested and laborious exertions.—The hon. Member then adverted to the bill brought in by himself last session, for the more speedy recovery of small debts, which was designed to lessen the expenses of law-suits, and which was postponed to this session, with the hope that now the country might be eased of the great oppression under which it labours in that respect: The country now, according to the hon. Member's statements, paid annually about £60,000 for law; which was a very heavy burden. He considered the law to be very severe in its charges. If the House could not make a total reformation, yet it would be good to make some attempt. This bill was making an attempt, and so far it was good. The hon. Member here objected to increasing the jurisdiction of the inferior court of C. P., on the ground that so doing would cause men to require more learning, more law and more lawyers in their proceedings, which, in his opinion, would be deleterious rather than beneficial. He advocated the allowing justices of the peace to administer the law, in preference to lawyers, and the general encouragement of parties pleading their own causes; because he considered that lawyers "darkened counsel by words without knowledge."—He was averse to putting people to expense in obtaining justice. He was always for making the path to justice as plain as possible. The hon. Member made some deprecatory allusions to the N. S. act; and also observed that he did not consider the provisions of this bill, relative to costs, would effect a reduction of expense to suitors. He thought the House should dispose of all the existing fee regulations, and make an ordinance fee table by law. This bill, so far as it attacked the present ordinance fee table, was good, and he would therefore heartily go with it. Any mode that would cheapen law, and make justice attainable at little expense, would always meet with his hearty approbation.

Mr CHANDLER replied to the last speaker.

Mr VAIL had never heard any complaint in his part of the country, as to the inferior courts of C. P.—He expressed himself decidedly against the bill at present, but had no objection to postpone it till the next session, and take the sense of the country on the subject in the interim.

Mr Simonds thought the House should not postpone the question hastily; but report progress now, and ask leave to sit again. He was not in the slightest degree jealous of the bill because it had been prepared by a lawyer. In fact, he doubted whether such a bill could have been properly prepared but by a professional man. The celebrated Reform Bill was so prepared, and all such technical bills required to be so framed.—He had every reliance, therefore, on the hon. Mover in this case, and fully trusted that every thing that had been done by him, that he could think of, to improve the administration of justice. But he had not yet fully made up his mind on the subject; and he thought it would take a little more time to consider. Perhaps in another week hon. Members generally might be a little prepared for the consideration.

Mr SPEAKER concurred; and observed, that it was perfectly well known that any reform of the law must primarily proceed from the lawyers themselves. Other persons were not sufficiently qualified to effect it. It must also be conceded, that the preparation of such bills must be a very disagreeable task to them; and that their motives and views in such cases were often very much misconstrued. It was well known that great complaints existed as to the constitution of the inferior courts of C. P. and that reform in them was necessary. Many provisions of the bill were very good; but he was not exactly prepared now to discuss its merits. He hoped, therefore, the Committee would be inclined to report progress, &c.; in order that they might have full opportunity to become acquainted with it.

Mr KINNEAR, after adverting to the history of the bill thus far, said, that if the bill was intended for the benefit of the legal profession, he might perhaps be supposed to have an interested motive for urging it forward; but, (in reply to Mr Scott,) had he been actu-

ated by any such sinister motives, he would have been more politic and guarded, the other day when he let out his sentiments on the grain and fish bounties. Whichever way the Committee may now dispose of the bill, it would be no matter to him personally. Still he would rather that they now reported progress. He very much disliked delays and postponements; because hon. Members, on adopting such modes of proceeding commonly forgot the subject matter, and seldom attended to such things, except when actually before them. He felt confident that they might obtain as much acquaintance on this subject now in a week or ten days, as they would if they postponed it till the next session. Hon. Members must be aware of the opinions of their constituents and the province in general; otherwise the House would not have heard what had already been said on the subject. It was not necessary, therefore, to publish this bill in the Royal Gazette or at the sessions of each county; because it was well known that the country desired a reform in the law; and it was desirable speedily to relieve the country from the burden it so long borne. The sooner they begun, the better. As to the other courts, not contemplated by this bill; he thought it quite important to appoint a Committee of both houses, to investigate them. As to justices' courts; they would require great consideration; but he thought they could be attended to, at a future day by that House, without appointing a Committee. The hon. Member concluded by replying to Mr S. Humbert.

Mr ALLEN thought the country ought to be well acquainted with the nature of this bill. It certainly was an innovation on the existing order of things; and the people out to have an opportunity of giving their opinion upon it. The hon. Member complimented Mr Kinneare, and applauded his motives: but he still thought there were objections to the bill. One was, that it wanted publicity. It had been admitted by the hon. mover, that even the lawyers in the House had not been aware of it, before its introduction. The hon. member also thought that the second section of the bill could not have sufficient. There was nothing compulsive in it. Altho' it gave jurisdiction to the inferior court, it did not compel the parties to carry their cause there. He also particularly objected to allowing the Barristers, who should be appointed Justices, practising in any other court. He thought it would be improper in the House to take the country by surprise; and that it would be as well to dispose of the bill now. It was not possible that the country could have sufficient knowledge of the bill this session. As to fees: the bill certainly went to diminish them, but it could not effectually remedy that matter, till the whole ordinance fee table should be brought under the consideration of the House. He was for postponing the bill till next session.

Mr CUNARD replied.

Mr. TAYLOR saw no good reason for such postponement: but certainly thought it necessary to report progress now. There appeared to be but one opinion in the House, as to the necessity of a reform in the law. It could not be supposed that all the courts could be reformed at once. This bill went to reform one class; and it therefore required serious consideration. He concurred with Mr. Simonds, that no jealousy of the bill could exist, on account of its having been prepared by a lawyer; because he could not see how it could have been drawn up by any other individual; and he did not know any professional man more competent to the task than the hon. mover, who was both Recorder of St. John, and a Judge of the Common Pleas himself, and from his own experience and legal knowledge, must have peculiar means of knowing what was necessary. The hon. member was for reporting progress.

Mr HILL rose to correct some misapprehensions which seemed to exist, as to the extent of the bill; but we could not perfectly hear the remarks of the hon. member.

After a few words from Mr Partelow, who moved that the Chairman report progress, and ask leave to sit again; and from Messrs. Scott and Vail, who were for postponing the bill till next session, the question for reporting progress was put and carried.

*We will next week issue a Supplement, which will enable us to lay before our readers the report of the Debates up to the latest date.*