divine, Equality may be a good thing. But even gold may be bought too dear, and I cannot help thinking that Equality becomes a curse when, in order to attain it, you are called upon to forfeit to strangers who have no claim at all, the very thing which it is desired to equalise. . . . It is better that debts should be paid unequally than that the property should be destroyed in the effort to ascertain an equality which yields a purely metaphysical and imaginary satisfaction to the thirsty debtor."

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## *OUR NEW PROCEDURE.*

A perfect system of legal procedure is one which, without inflicting injustice upon the parties to a suit, enables them with the least possible preliminary work to try the issues upon the merits.

Perhaps the procedure at common law, as earliest known to us, in a country of few wants and small private means, was almost perfect. The parties came before the Court, and the counsel either stated to the proper officer, or themselves handed to such officer the pleadings in the suit, each waiting to see the pleadings of the other; and demurrers, if such existed, were settled upon the spot by the presiding judge. It is apparent that the common law system, by which only single issues could be tried and no set off or counter claim allowed, while suited to primitive times would be totally unsuited to a country possessing great wealth, or to suits of an intricate nature.

The legal mind without wide culture almost invariably becomes narrowed and contracted, and disposed to attach great importance to technicalities, and hence the many refinements, and we may say pitfalls, that attached to legal procedure till within recent years, when lawyers, as well as others, ceased to be insular—if we may so use the term in its larger sense—and have extended their knowledge beyond the immediate wants of their profession. None now share the opinion of Blackstone, who thought that the laws of England were as nearly as possible perfect at the middle of the last century. Some of the supposed excellencies so fondly referred to by him have long since been cast off or become obsolete.

Our system of Equity had no doubt an ecclesiastical origin, and was designed to redress frauds and hardships that could not be well reached by common law; and while on the whole discharging its peculiar functions with success, has always, to a greater or less extent, shared the unpopularity of its origin, and, until late years, at least, was not a popular Court. Its introduction into this Province was not without misgivings, notwithstanding the gross and flagrant wrongs that could not be redressed without its intervention, and many can still remember that sturdy iconoclast, William Lyon McKenzie, prophesying many ills that would follow its introduction. This Court, however, from the legal attainments and good sense of the judges who have framed its procedure, may be said to have outlived, or rather lived down the popular prejudice attending the word "Chancery." These judges, in the discharge of their duties, have woven a procedure adapted to our wants, and designed in a high degree to elicit truth. Courts of Common Law have been more conservative and more disposed to follow the strict wording of statutes than Courts of Equity, which have followed the spirit of the statute rather than the statute itself. Witness the construction put upon the Statute of Frauds with reference to the sale of lands when the purchaser has gone into possession. We may instance the effect of an assignment of a chose in action as construed originally in each Court. The procedure of Courts of Equity was their weak point. It was cumbersome, illogical, and singularly technical. The examining of witnesses by means of interrogatories was a