

MASTERS IN CHANCERY—PRIVATE BILLS.

James Kent, afterwards Chancellor, and in England, Chief Baron Alexander (a man of great experience in equity pleadings, (per Hatherley C. in *Warwick v. Queen's College* : 19 W. R. 1099), Vice-Chancellor Kindersley, Chief Baron Thompson and Sir George Rose who was one of the judges in Bankruptcy. It is remarkable that two of the present Chancery judges in this Province were formerly Masters in Chancery, Vice-Chancellor Proudfoot and Chancellor Spragge.

The early Masters do not appear to have had much aptitude for figures, if one may judge from the story told of Lord Northington. Upon being pressed to refer a complicated account to the Master, he drew out his watch, and said, "Observe this curious piece of mechanism; if it was out of order, I would as soon send it to a blacksmith to be set right as refer an account like this to the Master,—I refer it to two merchants."

Apropos of this, and by way of practical conclusion, be it observed that the Masters in Ontario have had special training in matters of account. It is for this reason that we advocate an extension of their jurisdiction, so as to include many of those proceedings in insolvency which are now transacted by official assignees. It seems a mockery to appoint mere laymen to fulfil the duties of an office where questions of great complexity as well as of great nicety arise, sufficient to tax the acumen of the ablest lawyers who can be induced to accept the position of Masters in Chancery. If the secrets of Insolvency proceedings were only disclosed, it would be seen that these official assignees are often mere puppets in the hands of some legal gentleman whose assistance they invoke and whose conclusions they adopt. No doubt to effect this change of procedure it would require the combined action of the Governments of the Province and the Dominion. But that difficulty could speedily be overcome if the expediency of

the proposed change were appreciated. It would be a change from laymen to lawyers; from men whose highest recommendations are supposed to be a knowledge of business and a knowledge of figures, to officials who have acquired this knowledge from familiarity with administration and partnership suits, and in addition have been educated to deal with and dispose of large properties and estates not at hap-hazard, but on well-settled principles and under the supervision of able judges. We are persuaded that such a change would be for the creditors a financial success. At present creditors hardly think it worth while to ask for dividends on Insolvent estates. It seems to be a recognised principle that the expenses and the perquisites of official assignees will eat up everything. We do not say that all official assignees are "sharks," but we do believe that there are so many unscrupulous men amongst them that the very name has become a by-word. Besides this, matters might be so adjusted that the local Masters should receive for all their work a stated salary which would not only secure better officials, but would expedite the dispatch of public business.

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Nearly four years ago, in an article on the subject of hasty legislation, (6 C. L. J. N. S. 57) we called attention to the hasty and careless manner in which our Provincial legislators amend and improve (?) the law, and whilst endeavouring to "shun the ills they have," too often fall into others which it is but justice to them to say "they know not of."

The evil of which we then spoke has not diminished. Year by year the statute law has become less intelligible to the public and to the profession, and in spite of several attempts, no scheme has yet been devised to prevent the hasty intro-