

and we think the Provincial Legislature would do well at its next session to amend s. 40 of the Limitations Act by inserting the words "or to redeem, mortgaged lands, or enforce payment of money charged on lands."

But if the case of *Smith v. Darling* is an unsatisfactory decision what are we to say to *Martin v. Evans*, 39 O.L.R. 479, where, after twenty years delay, a judgment and final order of foreclosure were set aside and the pendency of the action of foreclosure was held to save the right of the defendants to redeem the mortgaged lands?

The facts of that case were certainly peculiar and the proceedings appear to have been conducted with a strange disregard of the practice of the Court, and yet where a defendant seeks relief against proceedings the usual rule is "*vigilantibus non dormientibus aequitas subveniat*," but in this case a defendant's slumber of twenty years was held not to be sufficiently prolonged to disentitle him to set aside the proceedings of which he complained. It must, of course, be borne in mind that part of the mortgaged property, in respect to which the defendant claimed the right to redeem, was originally a reversionary interest which had only recently fallen into possession; which fact seems to have aroused the sleeping defendant to activity.

CONSCIENTIOUS OBJECTORS AND PACIFISTS.

Those persons of the above named classes who have consciences are entitled to fair treatment. This they do not always get, for the simple reason that the great majority of "conscientious objectors" are conscienceless shirkers; and the former have to suffer for being in bad company. If one of these objectors is prepared to serve in some capacity, however menial, and is prepared to take the same pay for doing it as a private in the ranks, he should not be compelled to engage in actual warfare. On the other hand, an objector who claims exemption, but declines to submit to such reasonable conditions as may be imposed, would very properly be compelled to don khaki and get to work in the trenches.