

civil procedure, prepared by the Parliament of Canada, ought not to be considered as any sacrifice of any real privilege. It might possibly, however, involve the sacrifice of the right to tinker it annually, which most lawyers would not regard as any real loss. Should such a scheme ever be realized, we might reasonably expect that changes in the procedure would thereafter only be made after careful consideration, and with a tolerably reasonable assurance that they would prove beneficial. They would hardly be made in one session to be repealed in the next.

This is a subject which would well repay the careful attention of some enlightened statesman, and might result in conferring a lasting benefit on a very large portion of the Dominion.

#### COVENANTS ON MORTGAGES.

In mortgages made previous to the 1st day of July, 1894, the holder may pursue his remedy on the covenant for payment of the principal money and interest at any time within the space of twenty years after the cause of action arose, but not afterwards. This was under R.S.O., 1887, ch. 60, sec. 1, s-s. 1, the portion of which dealing with the question was, before the amendment of 1893 (of which more hereafter), as follows:—"The actions hereinafter mentioned shall be commenced within and not after the times respectively hereinafter mentioned, that is to say: (*b*) Actions upon a bond or other specialty, within twenty years after the cause of such actions arose."

In 1893, the legislature amended this section by 56 Vict., ch. 17, evidently with the intention of limiting the time within which the person entitled could bring an action on any covenant contained in a mortgage to ten years, and it is the subject of this inquiry to see how far this amendment is effective, where it is defective, and how far the legislature has accomplished its apparent object.

By the amendment, 56 Vict., ch. 17, clause (*b*) above was amended so as to read as follows: "*(b)* Actions upon a