THE CHANCERY DIVISION.

IT has been for sometime past apparent, that notwithstanding that the various Divisions of the High Court of Justice have, in all civil proceedings, equal and co-ordinate jurisdiction, and that theoretically the same kind of law is to be administered in each Division of the High Court; yet, for some reason or other, there has been a manifest tendency on the part of a majority of suitors to prefer bringing their actions in the Chancery Division. Why this should be so, it is not very easy to explain. Theoretically the relief given would be just the same in the Queen's Bench Division, as in the Chancery Division, in like cases, and yet practically it might prove to be something very different. For instance, in cases where equitable relief is sought, on the one hand you have a Bench which is familiar with the principles of equity jurisprudence, and on the other you have in the Queen's Bench and Common Pleas Divisions a Bench, which, without being disrespectful, may be characterized as not quite so familiar with that branch of law. This fact may have much to do with the preference of suitors for bringing actions in which equitable relief is sought in the Chancery Division. But this does not by any means afford a complete explanation of the reason of the excess of business in the Chancery Division; for many actions for purely legal demands have been brought in that Division for the trial of which it cannot be for a moment pretended that the judges of the Chancery Division have any special aptitude, not equally enjoyed by their brethren in the other Divisions.

We believe that the cause of the apparent superior popularity of the Chancery Division is, in a great measure, attributable to the fact, that the class of business formerly exclusively cognizable in the Court of Chancery exceeded in volume that transacted in either of the other Courts, and this class of business naturally gravitates now to the Chancery Division, although, as we have said, it is theoretically precisely the same kind of tribunal as the other two Divisions, and exercises precisely the same jurisdiction, and has the same code of practice, and the same tariff of costs. This arises from the habit practitioners have acquired of transacting their business before certain judges and officers who are familiar with the class of cases formerly brought exclusively in Chancery, and this natural preference of solicitors for doing business before men familiar with the work required to be done, rather than before those who, in some cases, are but novices and without experience, is not to be wondered at. It is a fact which was perhaps not sufficiently taken into consideration by the Legislature, when it endeavoured, by merely changing the name of the Court without altering its *personnel*, to make business flow in unaccustomed channels.

In order to check the flow of business into the Chancery Division, or rather to equalize the flow of business into all the Divisions, a Rule has been recently passed by the Supreme Court, requiring writs to be issued alternately from all the Divisions. It remains to be seen whether this will have the effect intended. The expedient of issuing writs alternately, is not, by any means, an absolute check upon suitors selecting their own forum. The device of issuing writs in fictitious suits, in order to bring an action in a particular Division, has been resorted to in the past, and will no doubt be resorted to again, whenever the solicitor deems it desirable to sacrifice a dollar or two, in order to bring an action in any particular Division.

Preparatory to passing the Rule referred to, returns were procured from the various officers who issued writs; these returns we believe show that since the Judicature Act came into force up to the 1st December