

oppressed mortgagor, is one of which the parties entitled to redeem practically never avail themselves. Its sole effect is to obstruct the mortgagee, and thereby impair his security. The mode of proceeding under the power of sale or pursuant to Lord Cranworth's Act (23 and 24 Vict., c. 145) is far more expeditious, though not devoid of objections. The statute does not necessarily exonerate the purchaser's title from being impeached (Fisher on Mortgages, p. 501.) A title derived from a mortgagee exercising the power is seldom considered absolutely safe, notwithstanding the Act or any special conditions contained in the mortgage. Every conveyancer prefers to see the title brought down through a decree of the Court. Any reform, therefore, ought apparently to aim at consolidating the indefeasibility acquired through a decree with the more expeditious procedure under the power. The protection of the purchaser should be absolute, and such cases of hardship as *Latch v Furlong*, 12 Gr., 303, would be avoided. The time for redemption on suits for foreclosure or sale might be advantageously shortened from six months to one—ample time, when added to that allowed prior to decree, to enable the mortgagor to redeem if he wish. But the cumbrous practice in dealing with subsequent incumbrancers and execution creditors would still remain as a source of delay. The exercise of the power of sale, with a collateral action of ejectment when necessary, affords the prime requisites of a prompt and inexpensive procedure. The sole disadvantage is the unsatisfactory title acquired by the purchaser. To remedy this, legislative action would be necessary. I would suggest that power be given to the mortgagee vendor or to the purchaser, on application before the Referee of Titles, proper notice being given to all parties interested, to have the sale confirmed. The Referee, on being satisfied that the terms of the statute or the power in the mortgage had been sufficiently complied with, could order the confirmation of the sale and render the title indefeasible. This power might be properly given by way of amendment to the Quieting Titles Act.