friend that he had brought him a special demurrer which had recently been submitted to the Court, which was so exquisitely drawn that he felt sure it must cheer up the sick man to read it!

Many of the hackneyed complaints touching the law's delays and the uncertainty of the law, arose from the studious cultivation of the science of special pleading, and the triumph of technicalities consequent thereupon. These complaints are still reiterated parrot-fashion, though the causes have ceased to exist; for nowadays such complaints have but scanty foundation in the legal system as such, and can hardly be said to indicate any real grievance. But there was a time in the history of the law when it was otherwise,—a time which gave point to the saying of Lord Loughborough that "no cause was desperate," and of Lord Abinger, that he had never known any case decided on every point from beginning to end on its merits.

The advantageous progress which has been made in matters of pleading, is admirably put by Vice-Chancellor Blake in a recent judgment. He says:—"The technical system of pleading formerly in vogue, with its extreme accuracy, precision and casting out of immaterial issues, possessed many advantages amongst professional gentlemen well versed in its mysteries; but when you had, as it frequently happened, the learner pitted against the learned, and the education of the former was literally carried on at the expense of the client, whose rights were pleaded into such a maze that he was obliged to give them up, it became necessary to abandon the higher standard of pleading and to bring it down to the comprehension of those who had not thought it worth their while to devote years to its study." He proceeds to lay down some rules which are valuable as shewing the touch-stone that will now be applied by the Court to test the sufficiency of pleadings on demurrer. These rules are also applicable to the system of Common Law pleading, as many of the authorities cited are decisions of the Common Law Courts. He states three propositions as to the duty of the Court on this head, as follows:—(1) To put a fair and reasonable construction on the pleading, to ascertain what is reasonably to be inferred from the language used; and if, as a whole, it presents a case entitling plaintiff to relief, to allow it to stand. (2) That even although there be some statements which if taken alone would render the case ambiguous, yet these should be taken in connection with the remainder of the pleading, so as to make, where practicable, a consistent story, entitling the party to relief. (3) That when the pleader is dealing with facts peculiarly within the knowledge of the opposite party, the same preciseness and particularity are not required as would be were the pleader dealing with matters known to both: *Grant* v. *Eddy*, 21 Grant 576.

Pleadings at law and in equity are becoming rapidly assimilated in this Province, though still distinct. In England the effect of the Judicature Act and the rules based thereupon will be to form one system of pleading for all courts. The leading principle of that system seems to be that each party shall state as distinctly and succinctly as possible the facts on which he relies. This is an approximation to that system of pleading-at-large of the Scotch courts which provoked the scorn of Lord Abinger, as being framed after the model of a popular pamphlet. But in truth modern judges on the English Bench view the advance with different eyes, and one finds Vice-Chancellor Bacon regarding without regret the disappearance of "the sublime mysteries of pleading, the days of which are numbered, and which we shall shortly think of as the phantoms of the past fabulous ages:" *Job* v. *Patton*, 23 W. R. 590.