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THE NEW RULES.

It may well be doubted whether the attempt to put the "new wine" of Equity into "the old bottles" of the Common Law, which the Legislature essayed to do when it passed the Judication Act, has been an unqualified success. In a recent case, to which our attention has been drawn, a suitor, entitled under a will to a legacy charged upon land, brought an action to enforce the charge. The action was, unfortunately, tried before a "Common Law Judge"—as the judges of the Queen's Bench and Common Pleas Divisions are still called, without any reason, so far as we know, except it be for their supposed innocence of any knowledge of Equity principles, or of the practice in working out equitable relief.

The judge at the trial refused to make any order for the sale of the property, although holding that the plaintiff was entitled to the charge, and that it was in arrear. The case was subsequently brought before a Divisional Court of "Common Law Judges," and they also declined to make any order for sale, the only reason suggested being, as we are informed, that there might be incumbrancers! Any judge familiar with the procedure in Equity would, of course, have had no hesitation in referring the action to a Master to make the necessary inquiries, and sell the property; but the new-fashioned Equity which is administered by "Common Law Judges" will render it necessary for the unfortunate suitor either to appeal to the Court of Appeal, or bring a new action, or else present a petition to obtain the relief which he was entitled to in the first instance—at, of course, a considerable extra expense in the way of costs. When one hears of such cases, is it