question as the costs of such an affidavit. On appeal from this conclusion, it was upheld for the double reason that the matter was one resting in the discretion of the judge below, and that in substance the appeal related merely to a question of costs. In reference to the case before the Master of the Rolls, the Appellate Court observed that when the judge saw from the mere inspection of the affidavit itself, that it was a gross abuse of the proceedings of the Court, he was quite right in ordering it to be taken off the file; but otherwise, where the propriety of filing the affidavit could not be determined in that summary way: *Owen* v. *Emmens*, 20 Sol. J. 118.

The practice which has obtained in this Province is in conformity with the views expressed by the Vice-Chancellor Malins. We remember the late Chancellor Vankoughnet took much satisfaction in smiting one solicitor, who was famous for his circumlocutory and discursive style of pleading, by limiting the number of folios to be taxed for his effusions, when disposing of the cause at the hearing. It is very seldom, indeed, that a document needs be set out *in hæc verba*, —it should be the exception, and only when the peculiarity of the instrument is such, in case of fraud and the like, that *charta loquitur*. It is desirable to retain some system and some trace of art in our legal procedure, and this is one of the points to which attention should be given. It is enough generally to set out the material parts of the instrument. In all ordinary cases, where there is no doubt as to the legal effect, then only the legal effect of the instruments should be given.

It may be taken as a rule that the best pleaders at law or in equity are those whose drafts are the most concise; they are those who apprehend the real issues of the case in hand, and present these issues in the most simple and effective form. No doubt there are pleaders who pursue the policy of the cuttle-fish and envelope the controversy in an inky effusion of verbiage. But these are they, whose cause is bad to their own knowledge, or who are uncertain of their position, or who have but imperfectly mastered the weapons of their warfare. There is a tradition of a cautious old special pleader who systematically indulged in prolixity in difficult cases. Having achieved, once, an indictment for conspiracy which measured a foot or more in thickness as it lay rolled up, it was objected, "surely there must be some errors in a document like that." "No doubt," was the response, "but in these cases my plan is always to make the indictment so long that nobody can show it to be bad: either the defendant cannot find out the weak points, or he cannot be sure that there is not something somewhere else which will set them right."

The ancient Chancellors sometimes employed very ingenious methods to punish offenders of this sort. The records supply the details of a case where the counsel drew a monstrous replication of six score sheets of paper, whereas all the pertinent matter might have been contained in sixteen sheets. The Lord Keeper, Sir John Puckering, among other things ordered that the prolix pleader should be brought to Westminster Hall at ten in the morning, and that thereupon the warden of the fleet should cut a hole in the midst of the said engrossed replication, which was to be delivered unto him for that purpose, and put the said Richard's head through the said hole, and so let the said replication hang about his shoulders with the written side outward, and then, the same so hanging, should lead the said Richard bareheaded and barefaced round about Westminster Hall whilst the Courts were sitting, and should show him at the bar of the three Courts within the Hall: See Spence's Equitable Jurisdiction, vol. i. p. 376, note.

The most modern means of ensuring