

CHANCERY REFORMS.

than ordinarily difficult justly to estimate its value. He should be well versed in the principles which govern our court, and be prompt in the despatch of business. Without a personal knowledge of the facts we are unable to say whether the present incumbent of that office possesses all these qualifications, but a decided opinion to the contrary has been pronounced by those who ought to know, and who would naturally be reluctant to complain without good cause. It is charged that the great delays and costs of proceedings in that office are attributable to the present Master, whose advance in years has greatly impaired his usefulness; and it will be remembered that some twelve or thirteen years ago the profession addressed the Court to much the same effect as they have now, and in consequence of the action then taken by the Bar, the late Mr. Hemings was appointed taxing officer to relieve the Master of certain duties then devolving upon him. It is now urged, after a trial of many years, that the Master's office is not yet efficiently conducted, but on the contrary, that it is worse than ever.

It is also stated that the Registrar has not devoted that attention to his office which he should have given to it. Not so important as the duties of Master, the business assigned to the Registrar nevertheless calls for a good knowledge of equity, for the preparation of the decrees and orders pronounced by the Court devolves upon him; and, above all, he should be systematic and regular in the discharge of his duties. The profession practising in the Court, whilst allowing that the present Registrar possesses quite sufficient ability, contend, and apparently with some shew of fairness, that there is ground for complaint as to the manner in which this office has hitherto been conducted; and that more regularity and a more efficient system might be introduced to great advantage. The decrees and orders of the Court should be drawn up by the Registrar instead of the solicitors or counsel engaged in the causes as at present. There is no system observed in delivering papers which have been in the hands of the judges for the preparation of their judgment; briefs, deeds, evidences, and exhibits (which are not filed in Chancery as they are in Common Law Courts) are handed out to the first applicant, and in this way we have heard of many valuable deeds and papers going astray. There is no record kept of judgments as deliv-

ered; and the judgments when delivered are not preserved in any regular manner.

Perhaps the cause of complaint most frequently urged is against the needless difficulties thrown in the way of suitors and others entitled to moneys at their credit in the Court. It is impossible to get money out of Court within two or three days, or sometimes weeks from the first application for it, even after the decree or order has been pronounced for its payment. The decree has to be drawn, settled, passed, stamped, signed, entered, examined, issued, then entered in the ledger; after which the cheque is drawn, stamped, signed by the ledger keeper, then by the Registrar, and finally by a judge. Each of whom are required to make an examination into the account, and to have a full explanation; frequently there is difficulty in finding some of these disengaged (if in town), so as to receive explanations, and the delays consequent upon this routine are certainly trying to the unfortunate man who is kept waiting for his own. All this delay and consequent expense is unreasonable; one competent person should be appointed (from whom satisfactory security might be required), whose duty it should be to see to the payment out of court of moneys to the person entitled to the same, and there should be no more delay or trouble in securing money in court than if it were deposited in the bank in the ordinary way. With an officer who can be trusted, what object is there in requiring more than his signature, and what necessity is there to trouble our over-taxed judges with this detail of practice.

The objection urged against the Secretary's office is solely against the principle, that the judgment is pronounced by a judge who has not heard the argument, but only so much of it as can be remembered, retailed and diluted by the Secretary, before whom the case or question has been argued. It is but seldom that the Secretary can see a judge upon the same day upon which the case was argued. Frequently a week elapses, and sometimes several weeks intervenes before the judge can hear what the Secretary's memory will enable him to repeat of the views argued before him. Even with the present painstaking Secretary such a system must work much injustice.

In England, where the Judges Secretary disposes of questions of practice, it is the invariable rule that he submits the same to the