

which it dispenses equity—but to direct attention to one or two points in procedure, and we challenge all and every to confute us if they can.

For the sake of argument then admitting the great fundamental principle of Equity-law and its general theory to be as nearly perfect as human law can be made, and admitting also that—since the introduction of the new rules at least—a suit can, where nothing occurs out of the usual course, be brought to a hearing as soon, or often sooner, than a suit at common law; and also admitting that in equity pleading some little technicality might be pardonable—for as pleading is the groundwork of the claim on the one side, and the defence or counter claim on the other, all the adverse party has to guide him as to what he has to prepare to oppose, and all the Court to guide them as to what is really contested, and consequently some degree of particularity and as much certainty as leaves no doubt as to what is meant, is absolutely necessary. We are willing not to complain on that head at least.

Admitting we say all this, yet in mere practice which relates to bringing questions or cases before the Court, the mode of introduction, as it were, which has nothing to do with the decision of the question or case at issue between the parties, or the mere carrying out in point of form or detail what the Court has already decreed in substance, *one is met at every step with some aimless or unnecessary clog or technicality*, which is merely a trouble to the practitioner, and *consequently an expense to the party litigant*. It has no practical value—it is not even the slightest guard to any right—and yet it must be followed with even more rigid exactness than in a Court of Law; for, note this ye outside Barbarians, if anything be omitted, *all has to be done over again*.

One consequence of this is to produce an extravagant and unnecessary dissimilarity between the Courts of Law and Equity. However long or short a time it may take to obtain the judgment of a Court of Law, when obtained it can *be acted on immediately* with little expense or trouble by suing out execution and placing it in the Sheriff's hands; while on the contrary, however long or short a time it may take to arrive at a judgment in Chancery, as a usual thing the *trouble and expense and techni-*

*calities only then begin*. This certainly is an evil not necessary—not incidental to the system.

Let us take a simple case for example, the very simple case of a decree for sale of mortgaged property; although there is no real dispute as to how much is due, and though all appears on the face of the mortgage, yet one delay must occur in getting the Master's report, then six months delay to allow the mortgagor time to look about and consider whether he will pay it—then setting before the Master a scheme and printed conditions of sale—then numerous printed advertisements and more time to advertise sale—then more difficulty in settling the conveyance to purchaser and getting the sale approved, besides purchasers being deterred—and more delay occasioned by allowing the sale after it is at last made to some one to be again opened by any one who will offer any larger amount before the conveyance is made—when the sale already had goes for nothing. How much better for all parties concerned would it be if, instead of as is the case at present with a not very large property, either using the greater part of it in such useless costs or applying a great portion of what would otherwise pay the creditor to such wanton expense—the decree was in the first instance that the place should be sold by a stated day at public sale to the highest bidder at credit or for cash, as the Court thought fit, unless the money was in the meantime paid—and let the time of sale be simply advertised in the *Canada Gazette* and some local papers.

Justice is in effect denied when it is delayed by procrastination and by an artificial and complicated procedure—and delays, and vexatious delays, do in fact occur in the Court.

One excuse is that the Court is pressed with business; another, that the subordinate officers delay more than they should. This last excuse admits of an easy remedy, the employment of none but efficient persons, who will do their duty, confining themselves exclusively to their own peculiar department.

The pressure of business might be entirely removed, and with great benefit to the country and to the profession at large, by giving the Master at Toronto, and the Deputy Masters throughout the country, jurisdiction over the more ordinary Cham-