it a number of absurd and useless inquiries, which were proposed by the plaintiff's solicitor, and not objected to by the defendant's solicitor; *e.g.*, an inquiry was ordered whether William Coppin (the father) had any and what children, and if so when they were born and whether they were living at the time of his decease, (all of the children being actually parties to the suit). "Whether Edwin Smith is alive, and whether he was living at the time of the decease," (Edwin Smith being a client of the plaintiff's solicitor). "Whether Mr. Coppin was entitled to any *other* real estate," etc., all of which inquiries were perfectly useless, the material being before the judge on which he could have at once declared that the plaintiffs and defendants were entitled to the property in equal shares. We may mention that the judgment was drawn up with a blind adherence to some book of forms, without any regard to the real requirements of the case and under the supposition that it was the *usual form* in all partition suits.

The Court of Appeal relieved the solicitor from the imputation of having acted dishonestly, but at the same time came to the conclusion that neither he, nor the judge of the County Court, nor the defendant's solicitors, could have known anything about the proper mode of proceeding in such cases—which goes to show the truth of the proposition of Kekewich, J., with which we started.

Some judges seem to assume that because a motion is consented to, that that relieves them from any responsibility of seeing to the propriety of the order they are called on to make, but we think this is a mistaken view. The case we have referred to, shows that solicitors may sometimes, through ignorance of the proper practice, consent to proceedings which are very far from being in the true interests of their clients; and it is not too much to expect that judges shall not sanction, as a matter of course, proceedings which may prove a perversion and mockery of justice. Can a judge be said to have done his duty when he has, without proper consideration, sanctioned needless proceedings leading to the eating up of the whole subject of litigation in costs? We think not.

The procedure of the law for the enforcement of the rights of litigants, is, in the main, well adapted to its purpose; but in unskilful and ignorant hands it is capable of becoming an instrument of destruction. It is like placing a loaded gun in the hands of a child, and it is quite possible to work much ruin from the sheer ignorance and incompetence of the practitioner, without any admixture of fraud on his part. The case we have referred to, may seem an extraordinary and unparalleled instance of the folly with which litigation is sometimes carried on, but it so happens that in this Province an almost identical case has just come to light, in which a squabble over a dead man's estate has resulted in the estate selling for about $1,100, and the costs of the various solicitors for litigation to settle the rights of the parties has amounted to over $1,400. The facts of this case, we understand, were somewhat as follows: B. being the owner of the lot in question, died; a woman who had lived with him as his wife, and by whom he had had four children, survived him, together with the children. This woman after B.'s death married C., and she and C., with one of the children of B., continued to live on the place. It seems to have occurred to C. that if his wife would deny her marriage with B. he might claim the property as his own by possession.