on three or four occasions under such circumstances that the Court has been divided, necessitating re-argument, with attendant delay and expense. Necessary delays and expenses are quite sufficient without this additional burden being thrown upon litigants by the defective constitution of the Courts. The judges in the present condition of things are not responsible for this.

Mr. M. D. Chalmers, in his recent interesting address on the codification of mercantile law to the American Bar Association, said some good things; inter alia he remarked:

"A judge deciding a disputed question of law always reminds me of a great surgeon performing an operation. The surgeon proceeds calmly with the use of his knife, and pays no attention to the blood which spurts from every vein of the patient on the operating table. So, too, the judge calmly proceeds to apply his precedents to the case before him, regardless of the costs which spurt from every pocket of the unfortunate litigants." In dealing with objections to codification on the ground of its want of elasticity, he said: "It seems to be assumed that when a judge is called upon to deal with a new combination of circumstances, he is at liberty to decide according to his own views of justice and expediency, whereas, on the contrary, he is bound to decide in accordance with principles already established, which he can neither disregard nor alter. . . . The truth is the expression 'elasticity' is altogether misused when applied to English law. The great characteristic of the law of this country is that it is extremely detailed and explicit and leaves hardly any discretion to the judges. This may be shown by comparing it with the law of France. . . . The English law of negotiable instruments took 150 years to develop. Its main principles were worked out by about 2,000 decisions, and, taking a moderate estimate, the taxed costs of this litigation must have cost the parties two million dollars. Judge-made law has great merits, but certainly cheapness is not one of them."

THE BENCH AND THE BAR.

From very early times it has been held without question that the Bench should have power, by summary process, to maintain its dignity, and punish any attempt to interfere with the proper discharge of its functions. This power it has frequently exercised