

and his highest privilege is to assist in the administration of pure justice. Changes will come in the administration of justice, too, and the duty of the Bar will always be to see to it, by all that we hold worthy of respect and preservation, that whatever these changes may be, they shall never be suffered to corrupt its cardinal motive or to pervert its essential truth.

I have not yet referred to what is one of the most noteworthy and most welcome of the tendencies of our times, the awakening of Bench and Bar to a truer realization of the relative importance of substance and form. The development of the science of pleading is a very interesting subject. A science which Chancellor Kent could pronounce "equally curious, logical and masterly" is naturally well worth study. The despatch of legal business in an expeditious and rational manner absolutely required and still requires that the claims of litigants should be stated with definiteness and with logical method. Everyone knows that the primary purpose of pleading was to discover with clearness the actual questions in issue between the parties, but it is equally known to all that in the intricacy and subtlety of this science, that which was merely formal or incidental came to be regarded as sacramental, and it is within the recollection of some of us who cannot be truly called very old men that many a just cause was irrevocably lost, and many an unjust cause was won upon mere technicalities, without their substantial merits being ever enquired into. That such a thing was possible was no credit to the administration of justice. When our pleading in Canada was highly technical, one of our Chief Justices implored the bar to fight with the sword of the warrior and not with the dagger of the assassin. Progress is everywhere now in the direction of simplifying pleading. The old forms are one by one being discarded. Only that is retained which serves some useful purpose of convenience and fairness. The power of amendment is so extended and is so exercised that the missing dot to the "i" and the cross to the "t" is actually supplied, rather than that justice should miscarry. There is a disposition to enquire into and decide the substantial merits