

there are not a few who would be found worthy to be entrusted with higher judicial authority.

Again in the law itself we have seen changes scarcely less material than in the machinery by which it is dispensed.

Much that had been formerly uncertain or indefinite has been settled by sure legislative authority, and much that had been long settled, but in a measure not happily adjusted to the wants and feelings of mankind, has been placed upon a footing more reasonable and just. Many things that were perplexed have been simplified; what was useless has been dispensed with; what was tedious has been abridged; and above all, objections that used to be entertained on account of defects, or irregularities in what was merely matter of form and not of substance, have been discontinued, and such ample authority has been given to the Courts to amend errors in procedure that the rights of parties are now made as much as possible to depend upon the real merits of their case.

In consequence of these improvements, the time of Courts of Justice and the labour and anxious care of the advocate are now in an infinitely less degree than formerly expended upon discussions which I think we all used to feel with somewhat of shame, while we were unwillingly engaged in them, were too much of the nature of *venatio de lana capricia*—a quarrel about goats' wool—or, in other words, a strife about nothing.

These are all unquestionably advantages to the suitor, but the benefit of such changes is not confined to them. It is a worthy subject of congratulation that the attention of the student, the practitioner and of the judge, can at the present time be more exclusively given to the grounds and principles of the law than to the intricacies of its practice.

More remarkable, however, than all the others I have spoken of is the alteration we have seen take place within the last twenty years in the circumstances of Upper Canada.

Since 1829 its population, I think I may venture to say, has increased six-fold; and its wealth and commercial enterprise and importance in a greater proportion. Banks, insurance companies, railway companies and other associations for the purposes of trade or manufactures, have multiplied prodigiously. A system of self-government in local matters, through municipal corporations has been formed, with a comprehensive and careful minuteness of detail scarcely to be paralleled, and a scheme for extending education to all classes throughout the Province has been framed by the Legislature, and is carried out and controlled by a multitude of provisions which require great care in the administration to do justice to the benevolent design.

We know to what a number of legal questions the enactments creating these new interests and relations have given rise. So far as the bar is concerned, I have seen with pleasure that their learning, intelligence and industry, and their earnest application of these resources in the service of their clients have been fully equal to the increased demand for professional aid.

Of the Bench it may be permitted me to say that however much their labour and responsibility have been augmented by the causes I have mentioned, still now as before, nothing can be plainer to them than their path of duty, so far, at least, as regards the spirit in which it behoves them to act. Whatever

delay may take place upon the cases which individually come before them for argument, it must always be the desire of the judges to determine each, after it has been heard, with as much promptness as is compatible with a satisfactory decision; and whatever opinion they shall really form, they are bound to pronounce it, without fear or favour.

Such is their independent tenore of office that there can be nothing that should make them afraid, and while any interest in the subject of litigation, however trifling, or any relationship however remote to either of the parties, restrains them from taking part in the decision, they are exposed to nothing which can be imagined capable of drawing them from the path of duty.

It is their happy privilege that what they do, is transacted openly, and that in this country they have an opportunity of seeing, and are indeed by law bound to see, that their opinions and the grounds assigned for them, are truly reported.

This protects them against misrepresentation; and they have, besides, the satisfaction of reflecting that when they do err in judgment, except in certain classes of cases, in which the Legislature has chosen to make or to leave their decision final, their error can be corrected in a superior court, by a proceeding as simple and direct in its nature, and as free from the objections of delay and expense, as could well be contrived.

Judges can have no greater advantages than these for shielding them from injurious reflection or suspicions; and speaking as a British subject, I feel that it is characteristic of our time and country, to give credit to the Judge for upright intentions, and to treat their errors as errors of the understanding only, and not of the heart.

I much fear, gentlemen, that you have done more than justice to the success of my efforts while I presided in the Court of Queen's Bench to discharge my duty rightly and with efficiency, though it would give me pain to think that I may not justly take credit for a strong desire to acquit myself to the best of my ability, of duties so important which I had solemnly sworn to perform.

Labour at least, I am conscious, has not been spared.

You know how ably I have been assisted by those who have been taken from the Court, and by those whom I left in it, and we all, I am sure have felt how materially our labours have been lightened by the researches and arguments of a learned and industrious bar.

The leaving a Court in which the whole of the active period of my life has been passed could not fail to be attended with a painful feeling of regret, for I may say that out of my family circle it has constituted my home. But this regret has been softened by the pleasure of seeing my oldest surviving colleague honoured by being placed at the head of the Court, as a just tribute to the ability and integrity which have marked his long course of judicial services. The duties which it will give me pleasure to continue to discharge in the Court of Error and Appeal will associate me as in time past with my brethren of the Bench and of the Bar, as long as I may be blessed with health sufficient for the performance. And may God grant that we "may all bear in mind the account which "we must one day render for the time and talents committed to our charge."