pleadings would not allow the question to be properly decided,—time was given to arrange for an alteration of the pleadings in *Bristol* v. *Robinson*, 4 H. L. C., 1068. In the case of the *Marchioness of Bute* v. *Mason*, 7 Moo. P. C. Cases 1, Lord Kingsdown said, "there is a question raised as to the frame of the bill. If justice could be done, as the bill is at present framed, we should be anxious to do it, though at the expense of technical rules." Another eminent judge (Knight Bruce, L. J.) in *The Board of Orphans* v. *Kregelius*, 9 Moo. P. C. C. 447, adopts the same language. "It is a wholesome principle of this Court to disregard points of mere form raised upon an appeal, when they do not in any manner affect the substance of the subject in controversy, and have not in any respect a tendency to mislead or prejudice the defendant." So objections of a formal nature as to the reception of evidence, which has not been objected to below, will not be entertained: *Frankland* v. *McGirty*, 1 Knapp 310. When defendant objects to a want of parties to the bill that contention cannot be raised for the first time on appeal: *Mullins* v. *Townsend*, 2 Dow. & L. 430. And Lord Campbell laid down the safe general principle thus: "A safe maxim for Courts of Appeal to be governed by, is that an objection, which if taken, might have been cured, and which has not been taken in the Court below, shall not be taken in the Court of Appeal." *Dhurm Das Pandey* v. *Mussurat Shaman*, 3 Moo. Ind. App. 229, 242.

It is a rule of the Privy Council never to disturb the sentence or decree of the Court below unless they find mistake either of law or fact—either error in principle, or a mistake as to fact in applying a right principle: per Sir J. Patteson, in *The Netherland's Company* v. *Styles*, 9 Moo. P. C. C. 294.

But directions as to costs may be varied in appeal when the appeal is on the merits, and not merely for the sake of costs: *Latour* v. *Queen's Proctor*, 10 H. L. C. 693.

So it is a general rule that no appeal lies on a bare point of practice: *Ferrier* v. *Mowbray*, 7 Wil. Shaw & McL., 158; *Mellish* v. *Richardson*, 1 Cla. & Fin, 235, 236; *Ferrier* v. *Howdon*, 4 Cla. & Fin. 32. Somewhat modifying this, it is held in other cases that a Court of last appeal is not disposed to disturb a decree on a matter of practice which is within the discretion of the Court below, and does not depend on principle: *Ironmonger's Company* v. *Attorney General*, 10 Cla. & Fin. 929; *Wanehope* v. *North British R. Co.*, 4 Macq. 348; *Browne* v. *McClintock*, L. R. 6 H. L. 456. In the last decision in the House of Lords the rule is formulated thus: In matters of practice, when the judges below are unanimous, the Lords never vary their decision, unless perfectly satisfied that it is founded on erroneous principles, and contrary to natural justice: *Cowan* v. *Duke of Buccleugh*, L. R. 2 App. 344.

BULKY SUITS.

In spite of legislative appliances, such as Common Law Procedure and Administration of Justice Acts, designed to simplify and expedite the working of that mill of justice which impatient suitors are prone to think grinds both "slowly" and "exceedingly small," "heavy" and long-drawn-out cases are still not unfrequently met with in this Province. The main cause of this is no doubt the increasing number and complexity of interests incident to the development of a civilized country. Very frequently the public take as much interest in cases such as *McLaren* v. *Caldwell* or *Fisher* v. *Georgian Bay Transportation Co.*, as the profession do, and follow with unabated interest from day to day the voluminous reports of the evidence given by the press. Such cases as these, however sink into utter insignificance when compared with that of *Lloyd* v. *Vickery*, lately tried before the Supreme Court of New