

elsewhere, it appeared that a large number of the members of the profession were of opinion that the passing of the old Court of Appeal would be an irreparable loss to the province. The profession did not regard the work of the old Divisional Court as entirely satisfactory, for reasons familiar to all of us, and feared that the working of the new Divisional Court would be equally unsatisfactory. Many grounds were urged against putting Part 1 of the said Act in force. One of these was that it was unreasonable to expect that proper consideration could or would be given a case by a court of five judges so long as only three copies of the evidence were required. This objection has, however, now been removed. New rule 494 provides that five copies of the evidence must be delivered by an appellant.

“A year’s trial of the new Appellate Court, has, I think, satisfied the profession who took so gloomy a view of this new Appellate Court that their misgivings have not been and will not be realized. The present court gives every counsel quite as patient and kindly a hearing as did the old court, and in my opinion its members are quite as able and do their work quite as thoroughly, satisfactorily and expeditiously as did the members of the Court which they have succeeded. If any suggestion as to any further improvements necessary to make the work of the court more effective, is in order, I would suggest that rule 494 be further amended so as to require an appellant to provide not only five copies of the evidence, but five copies of all other papers necessary for the proper hearing of the appeal, and that all such copies be arranged in their order of dates (if any) and securely fastened. In many cases the rights of parties must be decided largely and sometimes entirely on documents, and it is, therefore, advisable, I think, I may say essential, that each judge should have a copy of such documents before him when considering the case in appeal.

“This being a meeting of lawyers I hope I need not offer any apologies if I devote the remainder of my address to three subjects which are of more particular interest to us than perhaps any other, namely:—