

the court sitting in the city of Toronto practically from one year's end to the other; we have two or three weeks at a time for the holding of the jury sittings; we have certain criminal courts, which, of course, deal with a different phase of the law entirely, a different phase of practice; but most of the cases are now so dependent upon trial by a judge that any remarks upon jury trials are remarks that would not be of particular interest to the profession as litigation is now conducted.

I have a word or two to say with reference to the settling of cases, and then, I think, I shall have covered all that I might be expected to say on this occasion. The art of settling cases is perhaps one of the most difficult arts connected with our profession. There are lots of good lawyers, able counsel, clever solicitors, but few have the art of being able to settle a case. There are many reasons for this. You have to consider the chances of success in your own case, and to consider what the chances of your opponent may be. You have to deal with the matter upon this principle, not what you want, but what you can get, because if you deal with it upon the principle as to what you want, you would never settle any case unless the other party simply withdrew his defence and allowed you to get judgment. Then another important matter is, that the responsibility generally rests with the solicitor, and this the solicitor is not always willing to assume. The client leaves it to the solicitor as a rule. Sometimes the client is hard to convince, even where the counsel is satisfied that he has not a good case and may lose; but in the ultimate result, the counsel or solicitor must accept the responsibility to a great extent. The costs, when we come to trial, are important, sometimes more important than the whole issue, and that again is a reason why I say that the time for settling is soon after the issue of the writ. The settlement is not a matter of law, but purely a matter of business, and the exercise of keen common sense and good judgment. The client's opinion is generally unsafe, because he is more or less prejudiced, and is either to make or lose by the transaction, and you have to fall back as it were upon your