

nothing could have been done but remand the case for retrial. The chief justice turned to one of the barristers and asked if he could ascertain the point in question.

"I can tell by asking my partner," he replied. The partner was at some distance in another city.

"Wire your partner at once," the chief justice directed, "and when the court sits to-morrow morning be prepared to give us the information." And on the following morning I attended court again, expecting to hear the opposing barrister emit a lusty roar. But instead two telegrams were handed to the judges, the decision was announced in accordance therewith, and there was not a single word of objection."

Ontario has settled down to the theory of one trial and one review. Either party has it in his power to accomplish both steps in a comparatively short time. On our side of the line one of the most potent causes of delay and expense lies in appeal. So much so that many reformers would have the right of appeal limited as in federal practice. They observe that abuse of the appeal privilege is used for injustice; that it is a club which the powerful litigant uses on his weaker opponent if need be to gain his ends. But to limit appeal is to put a premium on pettifoggery in the trial court and to give added incentive to over-contentiousness, which is at present the great evil of our system, and seems inseparable from a political judiciary. At first glance these reformers would doubtless say that ease and celerity of review would mean the appealing of every suit.

Not so, most emphatically. When appeal is simple and swift it cannot be used for sandbagging the weaker litigant. It results instead in a mutual desire on the part of both to make trial in the first instance complete and thorough. Ontario trials are in fact thorough in the first instance and though appeal is free there are fewer appeals than in the average American state. Difficulty of appeal, successive appeals, interminable delay, and the opportunity for reversal and retrial, which is the curse of law administration in Illinois, puts a premium on chicanery so that the litigant without a just cause bends every effort to make