what there is in England—a body of practice that is the result of the highest legal wisdom, not merely the thought of the judge or lawyer, but the steady growth of experience. The observations of the writer may well form a beacon light to warn legislators in this country off rocks which, it appears, have largely wrecked the satisfactory administration of law in the United States. For this purpose we quote the remainder of his article in full, without further comment.—

In 1873, in the first body of rules that was adopted (in England), is found this provision: "A new trial shall not be granted on the ground of the misdirection of the jury, or of the improper admission or rejection of evidence, unless in the opinion of the Court to which the application is made, some substantial wrong or miscarriage of justice has been thereby occasioned on the trial." The same provision had already been made in regard to matters of pleading. That simple provision has eliminated from the trial Courts and from the Courts of Appeal all those fine points of practice which cause the American trial often to resemble a fight instead of an investigation of the truth. Inasmuch as these small matters are unavailing anywhere in the course of justice, they are passed by. The cause at every stage is dealt with on its merits. This fact breathes from every page of the English reports at the present time, and I am informed by those who have seen the workings of the administration of justice in those Courts, that it is even more conspicuously manifest where one can see the trial in actual progress. What is the effect of this change? First, no cause has appeared for the second time in an appellate Court in England for more than thirty years. Such a thing is absolutely unknown there at the present time. Sir John McDonald, a special Master, who has, as part of his duties, the collecting of judicial statistics, reports the result of those statistics for the year 1904. Let me call attention to just one feature of it. During that year five hundred and fifty-five cases were brought before the Court of Appeals on review. Out of those appeals, three hundred and thirty-nine were dismissed, no substantial error being found in the proceed-