hold with him, it then becomes an equal division of opinions, one of which, although perhaps entitled to much weight, would not in most cases be a considered judgment, but simply the ordinary verdict at the trial. These are the extreme cases; but if we take an average, these judgments would be four to two, and in many instances five to one. The chances are in favor of the party having the judgment, for the apparent reason that a judge is not likely to be more frequently wrong than right in his opinion. The result we have indicated would have a most desirable effect. The mind of the counsel or solicitor would not be so speculative in appealing. The fact that there is a difference of opinion in the Divisional Court, and that one judge of the Court of Appeal favors the appellant, is an incentive to go higher. It is practically a premium on further litigation. The ordinary chances of war are very great as our courts are constituted, and more than this—under the present system the minority, strange to say, may govern. For instance, the trial judge decides for the plaintiff. The full Divisional Court upholds the judgment. The Court of Appeal stands three to one against. Result: *five* judgments for the plaintiff and only *three* for the defendant, and yet the defendant succeeds! If this incongruous state of affairs does not encourage legal gambling, then we do not know what could have such a tendency.

Coming to the question of remuneration, the circuit allowance ought to be done away with, and a substantial sum added to the salary for expenses. We would then have no Chancery v. Assize in the minds of the profession in entering cases. The question of not holding duplicate courts in each county has, however, been discussed so often that we need not argue it at any length. Suffice it to say that there is no reason, plausible, cogent, or otherwise, why this absurdity should be allowed to continue, except that under the present improper system of paying the judiciary, the evil is somewhat of a necessity and could not be remedied, as matters stand, without grave pecuniary loss to the circuit judges. We take the ground that they are not paid enough; and, until sufficient provision is made, the holding of an extra court in each county, or nearly so, even if there is no pretence of necessity for doing it, is justifiable. Any system is bad which, by virtue of its operation, prevents reforms. The Common Law judges receive, say, $1500 each, and the Chancery judges $1200 each, for circuit allowance, per annum. What possible difference can it make to the Dominion Treasury if, instead of $100 for each court, the judges receive a fixed yearly equivalent for expenses? Were this done, there could then be no possible objection to a complete and effectual consolidation of all the divisions. This matter rests with the Dominion Government. The judges would indeed be foolish to sacrifice a considerable portion of their income for the purpose of rectifying the mistakes of our legislators. The Minister of Justice should see to it that the present highly improper method of remunerating judges is done away with at once, and, at the same time, make provision for a fixed allowance for expenses. We realize that he has to contend with that ever-recurring Quebec difficulty—that for every dollar given to our fourteen overworked judges, a similar sum is claimed for their thirty-six brethren in the Lower Province who have much less work to do. But, if possible, do not let this question stand in the way of a much-