

the *trial* judgment goes provided the appeal machinery will bring him the *ultimate* decision or *wear out* his inexperienced antagonist. It practically closes the door to the poor suitor. He prefers to endure without protest. He hesitates to set the law in motion, fearing that winning a verdict or a judgment at the trial is but a small part of the contest and that in the end, even if he wins, he comes out of the fray wrinkled and denuded after a life-long litigation.

The appeal is not allowed, nor was it ever intended, to rob the honest suitor of his well-earned judgment; but the ingenuity of the "chronic litigant" is such and has been such, that he rides a coach-and-four through the *spirit* of the laws and of the rules of procedure. He, too often, makes good the boast that whatever the jury may do *on the evidence* he can undo *on appeal*.

It may be contended that the constitution of the courts, if not the rules of prac-