embarrassment and led to injustice. The instances in which it has proved of value, I think, are exceedingly rare; I have known of none. It might have been of value if framed by the Judge after a preliminary hearing of the parties specifying the articles on which verbal proof was permitted, but this imposes an unnecessary labor on the Judge, and sometimes deprives the parties arbitrarily of well founded pretensions, or necessitates a preliminary appeal, and would be difficult of adoption under our practice.

Anything that tends to entrap or overreach an adversary is contrary to the spirit of the age and equally contrary to justice. This is the nature of such interrogatories put by astute counsel to their adversaries, with, it may be, other objects, but often with a view of running the adversary into a contradiction with his pleadings, or procuring answers which are contradictory of each other.

These interrogatories in the form also of affirming facts are not so put, nor are they answered under the sanction of an oath. They are simply the acts of the attorney *ad litem*, and yet they have all the effect of binding the parties in the same manner as solemn admissions would do. All the advantages of such proceedings, and in a more legitimate way, can be gained by the submission in the ordinary way of interrogatories *sur faits et articles*, the answers to which are verified by the sanction of an oath. Why, then, complicate and multiply proceedings which tend to embarrass but are of no value as facilities for the decision of a cause? If neither declaration nor formal pleadings were required, such articulation might replace them, but as a double set or repetition of the same thing they are useless and, perhaps, even mischievous.

With regard to the reconstitution of courts for the trial of civil cases, by making them be composed of three judges, it seems to me that this would be a retrograde movement not warranted either by experience or the most approved theory; it would add to the expense and delay of proceeding and bring no compensating advantages. I am not aware that there has been any serious complaint against the one Judge system; it seems to me to have worked well. It is likely to secure more scrupulous attention to each individual case than the system of three Judges, where the responsibility is divided and each may be disposed to rely, more or less, on the attention given by his colleagues. With the one Judge, whatever theory is adopted is uninterruptedly followed out to its legitimate conclusion, and the numerous minor details of facts and of procedure settled without the necessity of the same work being gone over by two other Judges, thus leaving to a revision, when necessary, the correction of the theory, if wrong, by a greater number of Judges after a more solemn discussion. They, of course, have power over the whole facts of the case, but are likely to give great weight to the finding of the facts by the primary Judge, and their treble labor in this respect is confined to the few cases that pass into Review of the many that are tried.

This leads to the consideration of the Court of Review, which I think a most valuable institution, designed to correct the errors and render uniform the jurisprudence of the Superior Court, which should be one court administering one law, rendering its application as uniform as possible.

With the one Judge system the Court needed cohesion; the Review was designed to overcome isolation, to make as it were one family of the Court meeting in Council in Review to regularise and render uniform its jurisprudence, being a representative body so varying in its constituent parts by the change of Judges as to communicate its tone and impart its ideas to the whole Court.

In this view it was wrong to attempt to make it a Court of Appeals, usually composed of particular Judges and excluding the Judge who had pronounced the sentence brought under Review. This was not the object for which it was designed. The excluding of the primary Judge was an unwise innovation. I would on the contrary hold that in all cases where the original Judge did not sit in Review, it would be desirable for the Review Court to obtain from him the reasons for his opinion by personal consultation or otherwise, as circumstances admitted. An Appellant is naturally anxious to augment his chances of success: he fears and tries to guard against the prejudice of an opinion already formed, but the first judge equally with the appellate tribunal and with a better opportunity for forming a correct opin-