industrious, clear headed, courteous in manner, and fond of his profession. He has not had, as compared with many now at the Bar, a large counsel business; but this was only a question of time, we believe, with Mr. Rose, and like many others who have gained their experience largely on the Bench, he will, we doubt not, fully justify the confidence reposed in him.

The standing of Mr. Justice Osler at the Bar was, when appointed to the Pleas, not dissimilar in kind to that of Mr. Rose—neither having large experience as leading counsel. Every word of commendation then spoken of Mr. Osler has since been more than warranted by the result. His appointment to the Court of Appeal will strengthen a court, which cannot be said to be in as satisfactory a state as a lover of his country could wish. The fact is the court, when reorganized some years ago, was organized on an entirely false principle, as we then pointed out. Without the slightest disparagement to those learned members of the court who were then appointed, it is increasingly manifest that a Court of Appeal should mainly be filled by the best available *judicial* talent; it should be a place where judges who have shown their judicial capacity as either chiefs or puisnes in the courts below, and desire less active work, can, if still of sufficient mental vigour, find work to do of a nature more congenial to their advancing years. Under the present system the judges of the Court of Appeal are sorts of "maids of all work." It is absurd that the highest Court of Appeal in the Province should spend its time in County Court and Division Court cases. The whole thing is wrong in principle, contrary to precedent, and injurious to the public interests. The subject, however, merits further and fuller discussion than we can give it at present. We may return to it hereafter.

NOVEL METHOD OF PLEADING.

IN the case of *Ross* v. *Hunter*, 7 S. C. R. 289, a somewhat novel method of pleading appears to have been adopted. Upon the appeal coming on for argument it was pointed out that a replication setting up the Registry Laws was not upon the record, and it was agreed by counsel that the pleadings should be amended by adding a replication. It appears that there were more pleas than one to which this replication was necessary, but the pleader growing weary, we presume, with the labour of writing out his replication once, appended to it a note in the following terms:—"The same matter is to be *considered* as replied to the 8th plea in addition to the replications already pleaded, and as a part of such replications." Upon which Mr. Justice Gwynne observes:—"I stop not now to enquire whether the brevity which is so conspicuous in this mode of replying to the 8th plea has so much merit in it as to justify us in adopting this novel and unprecedented form upon a document which is intended to be preserved as a record of the issues joined between the parties upon which the court pronounces judgment in favour of one or other of the parties, and which being so preserved might be regarded as establishing a precedent for this concise method of pleading to be followed in other cases." "Brevity is the soul of wit," and the majority of the court, influenced no doubt by that maxim, suffered the pleading to pass. No doubt if the pleading had commenced "for a replication to the 7th and 8th pleas," it would have been perfectly good, The note at the foot, after all, is merely introducing into the tail, what Mr. Justice Gwynne, having regard to established precedents, thought should be in the head.

The case, however, presents another point of wider interest in that it establishes that a person purchasing land which is subject to an easement existing under an unregistered deed