in this country. Again, obliging the judge to *parapher* the judgment the day it is submitted to him is an absurdity and an impertinence. The judge knows best when he has leisure to examine the cases submitted to him, and no one can reasonably dictate to him when his mind is made up. Article 22, coming on the back of this extraordinary injunction to the judge, seems flighty. On one hand he is given no discretion, where discretion is an essential of the judicial function; on the other, a discretion without limit is given him to raise difficulties with which he ought to have nothing to do.

The changes suggested as to pleading seem to me to be troublesome and unnecessary. Our system, it is true, is not a logical one. The only thoroughly logical system is that of plea and demurrer ; but it has been almost entirely abandoned in England on account of its technical difficulty. I remember the *Times* saying in its self-satisfied way, that if pleading had been reduced to a science, it had also become a nuisance. It is quite possible that a razor may be ground too fine for practical purposes ; but I should receive such an argument, as applied to intellectual labour, with doubt. What they have substituted for the old rules of pleading in England, I confess I do not know, but it would be well to learn what has been done there before proceeding to legislate here on the subject. It is evident the Commissioner is trying to arrive at the result of the old demurrer and plea by an articulation of facts. But why not make the pleadings articulate the facts ? Instead of obliging the pleader to know his case and expose it succinctly in a logical manner, the articulation of facts is to extract what the parties mean, or ought to mean, from the rubbish of bad pleadings. But this process is open to all the objections of technicality urged against the plea and demurrer, if carried out ; and if not carried out, it is worth no more than the present system.

The truth is people are very apt to flatter themselves, they have changed a system when really they have only altered its terminology, and this, I think, is the reason of our hear-