

should consist of all the judges of the Supreme Court of Judicature. This follows the constitution of the old Court of Error and Appeal as constituted in 1849, when the Courts of Chancery and Common Pleas were organized. It was apparently not found to work satisfactorily and the Appellate Court finally took the form it now has, as a distinct and substantive Court. There is of course much to be said on both sides of this question; but at present we are not prepared to agree with the Attorney-General's resolution in that respect.

As to the suggestion that the present right of appeal to the Judicial Committee of the Privy Council should be abolished, or largely so, as set forth in the resolution, we doubt the wisdom of the change. Much has been written about this in the lay press and much said on the subject which has not been characterized by either calm judgment or due recognition of the constitution and the future of the British Empire.

This suggestion was much in evidence on a recent occasion, in some of the daily papers, mainly because the judges of the Judicial Committee (very properly as most lawyers seemed to think) declined to agree with our Court of Appeal as to the construction of a certain agreement; the writer alleging that the finding was to be accounted for because judges in England "could not be familiar with the practice and temper of the parties to the agreement." In fact they should, in the view of this writer, have based their judgment not on the words used by the parties, but on some supposed popular sentiment or local prejudice which of course was not, and could not have been brought before any Court in such a contention.

Speaking generally it may be said that it is desirable that all unnecessary procedure and useless and expensive appeals should be done away with. That any changes in procedure which seem to be desirable should be as far as possible along the lines laid down by English legislation, which has produced what is perhaps the simplest and most modern system in existence, and which for reasons of convenience it is desirable that ours should conform to it. Lastly that it is most desirable that whatever is