judgments when reported become of considerable value as guides for the future. This is really no inconsiderable use of the Court of Appeal; and when the expense of the tribunal is thought of this compensation for that expense ought not to be lost sight of.

5. By "The Court of Appeal Act, 1862," parties are allowed to state a case for the decision of the Court of Appeal, without argument. It is somewhat significant that although the deliberation and discussion of the Judges is not lost, this privilege to suitors is very rarely resorted to. It shows the value which is attached to an exhaustive argument by counsel. This provision might be improved so as to secure something like argument by counsel, and this would mitigate the first objection, but it would only amount to a mitigation. It would have the advantage over the method proposed by the Bill, by securing the deliberation of the Judges, and preserving the value of the decisions as authority. The suggestion is this, that in case of a question reserved to be decided without argument, there should be transmitted, with the special case, a certified report of the judgment of the Court below, together with a report of the arguments of counsel in the Court below, with any additions which might occur to them, and a note of the cases upon which each party relies. This would have something of the value of an argument, though inferior to an exhaustive argument *vivâ voce*.

The above are the only observations which occur to me at present.

H. S. CHAPMAN.

I wish to add, in addition to my note on objection 1, that so great was formerly the importance attached to the argument of counsel, that all important cases were argued twice. In one case (I think in Febrigas *v.* Mostyn, but of this I am not quite certain) the Chief Justice said: "The case has been extremely well argued—let it stand over for another argument;" or it may have been in Campbell *v.* Hall, 20 State Trials, and Cowper's Reports.