The Examiner.—L'Observateur.

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In the last number of this Review appeared a promise to point out some of the leading contradictions apparent in Mr. Cartier's Judicature Acts. Their number, considering the importance of the work undertaken, is small; but still every departure from the natural consequences of a principle called into action being productive of discord and confusion, it is but right that the attention of the framer of the Acts in question should be drawn to defects which mar the beauty and utility of his *chef-d'œuvre*.

The first weak point presenting itself is, that though, in cases inscribed for *enquête* and hearing, and for *enquête* solely, it is provided that the witnesses shall be examined in the presence of a Judge, it is not enacted that the Judge who hears the first witness shall alone be qualified to sit in the case and give the final judgment. Thus one Judge may hear three witnesses, another of the brethren of the Bench hear three others, and a third Justice pronounce the judgment. Can it be supposed that it was the intention of the Attorney General that the leading principle of his Acts should be thus violated?

2. It was, as has been already remarked, the intention of the Legislature to bring the witnesses face to face with the Judge, who was to found his judgment on their testimony delivered in his presence. It may be said that that portion of the Act by which the old practice of written depositions, taken in the absence of the Judge, was reformed, amounted to an expression of opinion on the part of the Legislature that that system was bad and required change; yet, strange to say, written depositions form the parole testimony upon which the Judges of the Queen's Bench found their judgments, reversing in many instances those of their brethren of the Superior Court, who, under the law, are supposed to have had the privilege of studying all the concomitants of the witness's words, in the shape of his gestures, style, and appearance. There, then, is a manifest, patent contradiction. Either one system or the other is wrong; and no difficulty can be experienced in arriving at the conclusion that the proof, as presented for the consideration of the Court of Queen's Bench, is of an inferior class to that on which the Superior Court founds its decisions.

3. An addition has been made to the number of the Judges in Appeal, and that Court is now composed of five members. That the change in question has aided in rendering the jurisprudence of the country still more confused, admits of little doubt. A judgment, for instance, is rendered in the Superior Court by one Judge,—it is then taken into Appeal, and the judgment is reversed by that Court, two of the Judges dissenting. Within three months a precisely similar point may be raised in Appeal;—the Judge of the Superior Court who rendered the first