

## REVIEWS.

is complained (at least we are so informed) that not only do they not write their judgments, but also very generally simply state the result of their deliberations, without giving the reasons on which their judgments are founded. The former practice, though not essential, is very useful and satisfactory, but without the latter the confidence of the Bar cannot be retained. The reckless conflict of decisions also sometimes leads counsel to suspect that a judgment has resulted, not from an anxious scrutiny and comparison of the authorities, but from thoughtlessly trusting to a crude notion of what might seem at first glance to be the proper adjustment of the disputed point.

The Review before us, conducted by some of the most fearless and best of the profession in the Province of Quebec, intends to try the effect of a little wholesome criticism in the hopes of remedying some of the defects of their Judges in the conduct of public business, so far, at least, as such conduct comes strictly within the bounds of proper public comment. But it is not alone in this respect that the Review will be useful, as will be seen by reference to its contents (which we shall now more particularly refer to), for the articles shew an intention to discuss fully and impartially the public questions which affect the Dominion.

*La Revue Critique* is published quarterly, each number containing about one hundred and twenty pages, much the same in shape and size as the English *Law Review*. The articles are written some in French and some in English, at the option of the contributor—and as to this we wish that they were all in English, as much is lost to many outside of the Province of Quebec which would be instructive and interesting to them, and we would submit to the editors the propriety of taking a hint in this matter, if it is contemplated increasing the circulation of the Review beyond the limits of that Province.

The articles in the first number are—A Discussion of the Alabama Question; The Fishery Question; The Provincial Arbitration, wherein the Quebec view of the matter is strongly urged; My First Jury Trial; A Review of Mr. Kerr's work on "The Magistrate Act of 1869;" a Summary of Decisions, &c.

The second number, just to hand, commences with an essay on the conflict of commercial jurisdictions, added to and altered

from an article which appeared some time ago in this journal, headed "*Lex loci contractus—Lex fori*," from the pen of M. Girouard, a talented and rising member of the Quebec bar. The same gentleman also discusses in this number "Le droit constitutionnel du Canada," and "The Joint High Commission." The Hon. E. T. Merrick, of New Orleans, contributes an article on the oft-quoted Laws of Louisiana; Mr. W. H. Kerr, who occupies a leading position at the bar in Montreal, writes about deeds of composition and discharge under the Insolvent Act; also about the Navigation of the River St. Lawrence, and has a few words to say—to be amplified, he says, hereafter—about the observations of the *American Law Review*, on the Fishery Question, to which we alluded last month. A few useful hints are given to legislators by M. Racicot. The secretary of the committee of management then, in a few pages, gives, without note or comment, what cannot but be looked upon as a most curious picture of the state of the decisions in the Court of Appeal. Side by side are placed extracts from different judgments, the most conflicting and contradictory; not merely conflicts between different Courts and different Judges, but contrary opinions expressed by the same Judges at different times. If there is nothing in these cases which could, on a careful examination, reconcile such apparently opposite opinions, we can well fancy that the task of giving an opinion on a case submitted to counsel must be a much more hopeless task in the Province of Quebec than in any other civilised country that we are aware of.

*La Revue Critique* has arisen mainly from the alleged necessities of the case, and whilst fully endorsing the view so well established and acted on in England, that judicial opinions on matters brought before the Judges of the land in their public capacity, are open to free, but fair and respectful comment, we trust the editors may carefully keep within the due limits they have prescribed to themselves, and not weaken the moral force of the judicial office, whose claim to respect and confidence is somewhat different in a new country like this from what it is in England, and in many ways somewhat weaker, but which *must*, on the other hand, both in England and every other country, in the long run, lie in its own inherent excellence and integrity.