

The Legal News.

Vol. I. FEBRUARY 2, 1878. No. 5.

ARREARS IN THE COURT OF QUEEN'S BENCH.

If we were only to consult the statistical returns in judicial matters, published annually in the *Quebec Gazette*, we should feel that it was almost impossible to hope that anything short of a revolution could bring any adequate relief to weary suitors, sighing for justice. These returns show that from the beginning of 1860 up to the end of 1876 there were 2,573 appeals taken out, and that only 2,113 were heard and decided on the merits. This shows a balance of cases unheard of no less than 460; but as many cases are settled or abandoned, or are sent to the shades below without a hearing, the judicial statistics only recognise 398 appeals as actually subsisting on the 31st December, 1876, namely 30 at Quebec and 368 at Montreal. Fortunately this presents an exaggerated statement of the difficulty, which, however, even when reduced to its real limits, is sufficiently embarrassing. The true test of the arrears before any Court is the number of cases ready for hearing, and which remain unheard from want of time for the argument. Now in Quebec there are no cases at all in this position. In Montreal the condition of matters is very different, as the following table, for which we are indebted to the learned Clerk of Appeals, Mr. Marchand, amply testifies:

Inscriptions for December Term, 1874.....	112
Heard and taken <i>en délibéré</i>	29
Adjudged.....	8
Dismissed	1
Struck from the roll.....	1
	—
Undisposed of.....	39
	78
Inscribed for December Term, 1875.....	78
Heard and taken <i>en délibéré</i>	18
Adjudged.....	5
	—
Undisposed of.....	23
	55
Inscribed for December Term, 1876.....	74
Heard and taken <i>en délibéré</i>	29
Adjudged.....	2
	—
Undisposed of.....	31
	43

Inscribed for December Term, 1877.....	89
Heard and taken <i>en délibéré</i>	19
Adjudged.....	2
	—
Undisposed of.....	68

It therefore appears that the result of three years' work has been to reduce the arrears from 73 to 68, that is 5 cases, or less than 2 a year. This almost insignificant gain has only been secured by the Court hearing and deciding 626 cases in the three years, which is 190 cases more than were heard and decided in the highest three of the previous fifteen years. Nor are the arrears in Montreal due to the prolixity of the arguments. In 1877, judgments were rendered in Montreal in 135 cases, and in Quebec in 67, there being only four terms of twelve days each at Montreal, while at Quebec there are four terms of eight days each for less than half the hearings.

In addition to this it may be remarked that the appeal business in this District is greatly on the increase. In 1873 there were 199 new appeals, in 1874 there were 198, in 1875 there were 210, in 1876 there were 252; or in all, for the four years, 859. The highest four years during the fourteen years preceding 1874, give the following results:

1860.....	142
1862.....	146
1866.....	145
1869.....	169

making a total of 602, or a difference of 257 equal to 64 cases a year.

We think, then, we have shown enough to establish that some change is required in the sittings of the Court of Appeals in this District, and it only remains to decide what that change shall be. For the present we are content to place the figures before our readers. We shall only add that we are not in favour of a further extension of the system of terms. They are already too long, and their multiplication is not without inconvenience. Again, their effect is to overwhelm the judges with cases, the argument of which they cannot possibly remember, and to deprive them of the opportunity of deliberating. In fact the whole work of hearing new cases, and deliberating on the old, is huddled into the contracted limits of the terms. Of course, we understand that the judges read the cases during the vacation, but the collective deliberation ought to be a