

The Legal News.

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The Council of the Montreal Section of the bar has unanimously recommended the Hon. Mr. Justice Johnson for the office of Chief Justice of the Superior Court, and a general meeting of the Montreal Section has unanimously approved of the recommendation by the following resolution:—"That this meeting approve of the resolution of the council of this section passed on the 21st November instant, respecting the appointment of the Chief Justice of the Superior Court for Lower Canada, and declare that the appointment of the Hon. Mr. Justice Johnson to such office would be most acceptable to the profession; and that the secretary be instructed to transmit this resolution to the honorable the Minister of Justice." It is rather unusual for the bar to suggest a judicial appointment to the Crown, but this action must be interpreted to indicate the sincere and earnest feeling, generally entertained, that this is emphatically the best appointment that could be made, and that the bar are fully prepared to accept the responsibility of urging it in a manner which can hardly be disregarded by those with whom the appointment rests. It is needless, beside such testimony, to say anything more, except that we trust before these lines reach the eye of the reader, the appointment may have been made in the sense of the resolution quoted.

A good deal has been done of late years in the Court of Appeal to save the time of the bar, and to facilitate the despatch of business. The preparation of a list for the day, for instance, has proved a great boon, which would be even greater if the members of the bar were more careful to keep off the daily list such cases as they are not ready to proceed with when they are called. Some other things are perhaps worthy of consideration. For example, the delivery of judgments is often interposed in the middle of a case, and a number of counsel are required

to be in attendance, and prevented from keeping any other engagement, not knowing at what moment they may be called upon to proceed. So, too, all the counsel who have motions for that day are in the same uncertainty. It might be worth while to consider whether a stated time could not be arranged for the delivery of judgments. The Court now sits on Saturday only up to the hour of recess. If the morning were appointed for judgments, and it were understood that motions would stand for Monday, all the present delay and uncertainty would be obviated. Another matter, which does not rest with the bench, should be considered by those members of the bar who have seats in the legislature. It is obvious that a great deal of time is wasted every term in hearing motions for leave to appeal. There seems to be no particular reason why these applications and others of the same nature should not be heard in Chambers before one or more judges. For convenience, the Court-room might be used, and an hour once a week appointed for the hearing of such applications. The appeal, where the petition was granted, would be facilitated, and the time thus saved would often suffice for the hearing of four or five cases on the merits—an economy which in the course of the year would make a perceptible difference in the roll.

COURT OF QUEEN'S BENCH— MONTREAL.*

*Mercantile agency—Incorrect report of standing
—Communicated to subscriber—Privilege.*

Held :—(Affirming the decision of Wurtele, J., M. L. R., 3 S. C. 345), That persons carrying on a mercantile agency are responsible for the damage caused to a person in business by an incorrect report made by them concerning his standing; and that such report is not privileged though it be only communicated confidentially to a single subscriber to the agency, on his application for information. A communication relating to purely civil matters (as in this case), to be privileged, must be based on the truth of the facts to

* To appear in Montreal Law Reports, 5 Q. B.