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THE APPEAL TERMS.

Two extraordinary Terms of the Queen's Bench, appeal side, have been fixed for December and February in Montreal. The ordinary Terms are in November, January and March. At the opening of the Court, in Montreal, on the 15th instant, Mr. Justice Ramsay, addressing himself to the members of the bar, said: "I think it necessary to make a statement for the information of the bar, which in some sense is personal to me. The Government of the Province of Quebec has proclaimed two terms of this Court on the civil side, for some periods which are not very well defined; but I take it for granted that the times intended are from the 12th to the 23rd days of December, both days included, and from the 15th to the 27th days of February next, both days included. I don't know at whose suggestion these terms were proclaimed. Their effect will be this, that we are to sit from to-day (15th November) till the end of March next, with no other break of any moment, save from the 24th December to the 14th of January next. It is obvious that this is an impossibility. It leaves no time to deliberate; so, if we could hear cases as continuously as is proposed, we should be unable to decide them. I have endeavored to make these terms useful by arranging to sit four days a week, so as to give us two days a week for deliberation, but that effort has failed. I am, therefore, obliged to take a stand, not only for the protection of my health, but of my reputation. During the last seven years I have represented over and over again to members of the local Government, to members of the House of Assembly, and to others interested, the importance of giving greater facilities for the administration of justice in this Court. Thus full warning has been given of the danger before the accumulation of arrears was as great as it is now. No effectual steps were taken to avoid it, and therefore the fault is not in any way attributable to me, but to the supineness of the local Government. I am most willing to do all I can to

facilitate the business of the Court; but it is not part of my duty to attempt what is manifestly impossible. I therefore think it right to inform the bar, at the earliest moment, in order that they may be exposed to as little inconvenience as possible, that I shall not sit during the new term proclaimed for December. I shall at once communicate with the Minister of Justice on the subject, so that there may be no excuse that I have not put the matter in a tangible form."

NEGLIGENCE OF MUNICIPAL CORPORATION.

In our last issue (p. 357) we noted the case of *Beauchemin v. Corporation of St. Jean*, in which it was decided by the Court of Review that a municipal corporation may be held responsible in damages for an accident arising from the defective condition of a sidewalk, without it being necessary for the plaintiff to show that the corporation had notice of the defect. This decision appears to overrule a judgment in Review, rendered about twelve years ago, in *McGuire v. The Mayor et al., of Montreal*, (No. 1715 S. C., Montreal). In that case the plaintiff demanded damages from the city for a horse killed by their negligence in the care of the streets. On the 13th January, 1869, the plaintiff's man was driving the horse in a sleigh along St. James Street, which was then obstructed by lumps of ice chopped away from the sidewalk and thrown into the middle of the street. The horse broke his leg amid the ice, and was killed. The Superior Court (Mondelet, J.*), held that the Corporation was not liable (31st May, 1871). The judgment was confirmed in Review; Mackay, Torrance, Beaudry, JJ. (Torrance, J., dissenting), 30th Nov., 1871.

The question is one which has occasioned some difficulty in the courts of other countries. In a case decided by the Michigan Supreme Court on the 27th of February of this year, *Dotton v. Albion Common Council*, the action was against a municipality for personal injury caused by being thrown down by a defect in a street cross-walk. There was evidence that the walk had become seriously out of order and tottering several weeks prior to the plaintiff's injury, and that there were several defects

*Vide 3 Rev. Leg. 450.