

go into it. There was no one practising law in Lower Canada who would not agree with him in saying, *that a large majority of the judges were incapable* in one way or another. The Lower Canada bench *was in a most lamentable state*, and he hoped, by pressing the matter on the Government, that action would be taken. After some further remarks, the motion was ruled out of order for want of notice.

It is deeply to be regretted that a charge of such magnitude against a judge of the Superior Court should be treated with so much apparent levity. The character of the whole bench suffers by these accusations against one whom his colleagues are in courtesy still bound to style their brother, and who continues to receive the title of *honourable*. We do not know how far Mr. LAFONTAINE's delinquencies may have been magnified by personal animosity, but that there is too much truth in the charges is testified by the following, from the *Montreal Gazette*, Aug. 10: "A return, signed by the Assistant Commissioner of Crown Lands, shows that Judge LAFONTAINE is a *defaulter*, in his late capacity as a Crown Land Agent, to the amount of \$6,413 92."

It may be true that the charges against Judge LAFONTAINE, in his judicial capacity, are to some extent vague and general, but that does not alter the intolerable fact, that the administration of justice in an important district is in the hands of a *defaulter*, from whose decisions, in a large class of cases, there can be no appeal.

Contrast with this painful state of things the disinterestedness apparent in the two following paragraphs from the *London Times* of July, sent to us by a correspondent:

"As Chief Baron Kelly has been for a long period of his career associated with Suffolk, some of the leading inhabitants of Ipswich proposed to give his Lordship a public welcome on his entrance into the town next week as one of the Judges of Assize on the Norfolk Circuit. On Thursday, however, a letter was received from the Chief Baron to the effect that, after consulting with his colleague on the circuit (Chief Justice Erle), he considers that it is the duty of Her Majesty's Judges to avoid, where it is possible, even the semblance of a desire to seek or to accept any public mark

of popular favour while engaged in the exercise of their judicial functions. At the same time, the Chief Baron desires that his sincere thanks may be conveyed to such of his friends in town and country as had proposed to confer upon him this public mark of respect." "Mr. Napier has declined to accept the office of Lord Justice of Appeal in Ireland, and for reasons which do him the highest honour. If we are rightly informed, a letter from Mr. Napier will be read in the House of Commons this evening, in which, while expressing his own opinion and that of many friends that his infirmity is not such as to disable him from the discharge of duties which consist almost exclusively in the examination of written documents, he declares that he is unwilling his appointment should afford the slightest ground for a suspicion that justice will not be adequately administered, and accordingly declines the high office which Lord Derby had offered for his acceptance."

It is by such acts of watchfulness, and conscientiousness, that the English Bench has secured to itself the respect of the people.

FACILITIES FOR RENDERING JUDGMENTS.

It is well known that for several years the business of the Court of Queen's Bench, sitting in Appeal, has been greatly impeded by the necessity of having a majority concurring in the judgment present at the rendering of it. Re-hearings have frequently been ordered, sometimes in consequence of the death of one of the members of the Court, and at other times owing to a judge having obtained leave of absence. Almost every term, moreover, a number of cases are retained *en délibéré* for three months longer, merely because one of the majority is absent. Last term, for instance, it was intimated that the Court was prepared to dispose of every case before it, but for the unavoidable absence of one of the judges. It was suggested at the time that a measure enabling an absent judge to transmit his decision in writing, such written opinion to have the same effect as though he were present and pronounced it, would be highly desirable. A bill, with this object in view,