

## The Legal News.

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### THE JUDICIAL APPOINTMENTS.

We expected that the appointments to the vacant judgeships would have been announced before this, but up to the time we write (April 21) there has been no official intimation. With respect to the Superior Court, it will probably be found inconvenient to postpone the appointment much longer. It is well known that one of the learned judges of this Court, having been compelled by ill-health to seek relaxation from duty, has been absent for several months. Mr. Justice Johnson has also been severely indisposed, and there is reason to fear that his illness must be ascribed to overwork. If six judges, with such outside assistance as was available, were unequal last year to the business of the Montreal Courts—and the legislature declared that to be the case—it is obvious that a force consisting of the four judges who have remained on duty during the last six weeks, must have been still less adequate.

It may be said without flattery to the bar, that the number of persons fairly competent for judicial positions is usually in excess of the vacancies to be filled: the appointing power, therefore, has the privilege as well as the responsibility of selection. If we had any act or part—either by way of suggestion or information—in the choice, we should not experience much difficulty on the present occasion. The name of one gentleman has been prominently mentioned in connection with the S. C. judgeship, and it is certainly unusual to find the qualifications necessary for the bench united in so remarkable a degree as in this instance: we need hardly say that we refer to Mr. Strachan Bethune, Q.C. Without derogating from the high position and solid attainments of other gentlemen who would adorn the judicial office, it may be said that Mr. Bethune, by right of seniority, as well as by the possession in a rare degree of the talent and experience which make a brilliant and useful judge, has a prior claim to the preferment. As a matter of fact he is the senior actively practising member of the Montreal section (Mr. Roy, the City

Attorney, excepted), and was already an advocate of high repute when the majority of the lawyers as well as some of the judges of this day were in the nursery, and during nearly forty years' practice he has been largely and continuously engaged in the most important causes, not only commercial but civil. Mr. Bethune would make an admirable member of the Court of Appeal, and we hope yet to see him there; but in the meantime his appointment to the Superior Court bench would be eminently satisfactory alike to the profession and to the whole community. The retirement of several judges is spoken of, and in due course there will be further vacancies which will be appropriately filled by the other gentlemen whose names have been mentioned in connection with judicial office; but, in the meantime, any other arrangement than that which we have suggested would simply have the effect of confirming the popular belief which so constantly finds expression in private conversation and in the public press, that governments in their judicial appointments are not always actuated by a pure and conscientious desire to secure the best talent, and to advance as far as in them lies the honor and dignity of the bench.

### LAW COSTS.

It is worthy of note that many of the reforms which have been proposed in England from time to time are *faits accomplis* with us. One of the latest suggestions on the subject of law costs, by Mr. Justice Bramwell, is to the effect that solicitors should be paid a lump sum; for instance, so much if proceedings stopped at the writ, so much if they stopped at a further stage, so much if there was a trial; and this sum should vary according to the amount at stake and other circumstances. This might serve as a compendious statement of the principle on which our tariff has been constructed, and although Mr. Justice Bramwell has been ridiculed in some quarters for his proposition, he suggests a method which has been found convenient in practice in a province where suitors are not crushed by ruinous bills of costs.

### THE BAR SECRETARYSHIP.

To the Editor of THE LEGAL NEWS:

DEAR SIR,—As a young English *confrère* is, I am told, going about among the profession