

REPORT

OF THE

COMMITTEE OF THE BAR OF LOWER CANADA,

SECTION OF THE DISTRICT OF MONTREAL.

NOMINATED THE 14TH FEBRUARY, 1853, TO REPORT ON THE

STATE OF THE LAW WITH RESPECT TO THE PUBLICATION OF
THE DECISIONS OF THE COURTS OF JUSTICE, &c. &c.

Your Committee nominated on the fourteenth day of February last, with instructions to report on the present working of the law with respect to the publication of the Decisions of the Courts of Justice, to suggest the amendments which may be necessary in the law, and to prepare a Bill to be submitted to the Legislature, and passed in order to give to those amendments the force of law, have the honor to report as follows:—

1o. That in the opinion of your Committee the present system of reporting the Decisions of the Courts in Lower Canada is so extremely inconvenient and defective, that they deem it sufficient to draw attention to the fact that such proceedings are not published with sufficient frequency, too great a delay taking place between the decisions and their publication, and, what is of more importance, that they are not recognized by the Bench as authentic, and this mainly in consequence of their not being submitted to the Judges of the Courts pronouncing the same, previous to their publication.

2o. In proposing a remedy, your Committee would respectfully suggest:

That there be a separate Reporter and Assistant Reporter in each of the Districts of Quebec and Montreal, and that separate Reports be published in each such District.

That the selection and removal from office from time to time of such Reporters and their Assistants be left to the decision of the Judges of the Court of Queen's Bench and of the Superior Court.

That it shall be the duty of each such Reporter and their Assistants respectively to report as well the substance of such of the oral decisions of the Courts in the Districts to which they shall belong as shall be of general importance, as to report also such decisions as may be delivered in writing; and it shall further be his duty, without any unnecessary delay, to cause such Reports to be fairly entered in a book, and to submit the same for the inspection and approval of the Judge pronouncing the judgment of the Court, and, in case of dissent, for the inspection and approval of the dissenting Judge, such Reports, after due examination and correction, to be signed by such Judge and dissentient Judge, or, in case of absence or sickness, by some other member of the Court.

U. W. U. L. M.