Mr. Denoncourt, and *unanimously resolved.* It was to this effect: "That before judgment and before *délibéré*, if there is occasion for *délibéré*, the judge of the Superior Court and the judges in Review and in Appeal, shall settle amongst themselves on the bench, together with the counsel of the parties, who shall have a right to make suggestions, a statement of the questions of fact and of law which arise in the case, beginning with the questions of fact. The deliberations shall be held as much as possible and the questions decided in that order. This statement of facts shall not be final, but may be revoked or changed during the *délibéré*. Every judgment shall decide in a categoric manner the points of fact and of law, the solution of which is essential to the trial, beginning with the points of fact, and shall consider questions of law only if the decision of the fact does not carry the judgment."

In other words, after the argument there shall be a *délibéré* in open court, to which the lawyers shall be parties; this *délibéré* is not to be final, or to be binding in any way on the court. As a coercive measure it is therefore useless, and except for the purpose of having unseemingly wrangling between the bench and bar, it is difficult to understand what in this resolution recommended itself to the unanimous approbation of the General Council. The chief object of the verbal argument is to enable the Court to ask for explanations from the parties. If the Court, in its turn, is to be interrogated verbally before pronouncing judgment, it will only be reasonable to give the judges time, after they have the record before them, to prepare for the ordeal. It sometimes makes one question the possibility of reform when one sees it arrayed alongside such chimeras. Government is summoned at all hazards to render the administration of justice more expeditious by those who, in the same breath, suggest endless journeyings for the judges, and new complications of procedure not only without precedent but unnecessary and mischievous.

The suggestion to do away with terms, and in some instances with writs, deserves much more favorable consideration. It is impossible to conceive why the attorney should not draw his own writ and get it registered and sealed before service, except that even that much maligned and generally prosaic personage has little concealed corners of romance and veneration, for which, the outer world does not give him credit. He has a superstitious regard for "the Queen's Writ," and it sometimes helps him out in his little flights of turgid eloquence when he has a bad case. To say that the defendant B had neglected "my writ" is evidently a less striking proposition, but it might be made equally effective. And after all, this is only another way of putting the matter, for we no more intend to deprive the summons of the effigy of the Crown, than to displace the death's head and cross bones in black sealing-wax on the coroner's inquest. Where there are resident judges, and trial by jury is not the ordinary process, the term is simply nonsense.

The appeal from interlocutory judgments is one of the things that least wants touching. Mr. Loranger wishes to abolish it altogether: Mr. Pagnuelo seeks to facilitate it. Both extremes are bad. These appeals are not allowed without some cause shown, and nothing can be much more summary than the procedure to obtain leave to appeal; but to refuse all interlocutory remedy would surely work great injustice, and give rise to the suspicion of much more.

To be only a critic, is to follow a narrow trade, let me therefore make one suggestion to the General Council. It is to divide the Court of Appeals into two chambers of three judges each. The judgment of three judges is quite worth that of five, and Mr. Pagnuelo may feel assured that such a change will do more to improve the *délibéré* than his having a finger in the pie—as counsel for an interested party be it understood. With this change the jurisdiction in Review might be limited to interlocutory judgments and procedure, without any separate appeal.

R.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

QUEBEC, December 7, 1882.

DORION, C.J., RAMSAY, TESSIER, CROSS & BABY, JJ.

ROY, Appellant, and PINEAU, Respondent.

Will—Exercise of power—Great grand-children.

A wife, commune en biens, constituted by will her husband her universal legatee, charging him to return her real estate, either by donation