

THE BENCH AND BAR OF QUEBEC.

by taking one day's adjournment ere the last day of the term, would enable them easily to dispose on that last mentioned day, of at least eight out of every ten, of the cases argued before them.

And here, *par parenthèse*, it may be remarked that some learned counsel are decidedly tedious in their arguments; they fritter away too much time in speaking, they are afflicted with a plethora of words, they seem to be in love with the sound of their own voices, and delight themselves at the expense of the Bench and the public. Loquacity in a legal argument is a vice; were the time rule to be introduced it would tend very much to the despatch of business.

The judges of the Superior Court in Montreal cannot be accused of idleness; they are hardworking, and decide to the best of their ability. There is a want of knowledge however of the principles of Common Law apparent on the Bench, which causes certain of its members to be avoided in Mercantile cases.

The main cause of the present lamentable state of affairs is traceable to politics. In North America it would seem as if politics were the cancer of society. By political appointments the dignity of the Bench has been lowered, and the respect of the public for the judges has been impaired. From motives of political expediency, the *esprit de corps* of the Bar has been extinguished, its character has been damaged, and its power for good has been to a great extent destroyed. As consequences, the administration of the Law is unsatisfactory and bad, and society suffers.

It remains to be seen whether the joint action of the Bar, the Bench, and the Government of the Dominion, prompted by pure and patriotic motives, cannot redeem our Province from the imputations which now are justly thrown upon it.

Let the Bar eschew politics in its elections, restrict the right to vote to advocates of at least ten years' standing, elect the best men without distinction of party to its offices, admit no unqualified person to its ranks, punish severely any of its members who violate the principles of the profession, and contend as one man against the miserable practice of making seats on the Bench prizes for political subserviency.

Let the judges remember that courtesy

adorns, whilst rudeness disfigures the Bench. A judge who is rude and insolent is no gentleman, and whatever his defects in birth or education may be, an advocate on becoming a judge is bound to act, as much as he can, like a gentleman. Let them remember that they are but public servants, of the highest class it is true, but still not less bound in common honesty, to work faithfully for their wages, and let them get rid of the idea that the main object in life of a judge is to receive his salary.

As for the Government of the Dominion, the onus of the present state of affairs rests to a great extent upon their shoulders. To the Minister of Justice we specially look not only for reform in the Bench as it at present exists, but also for the adoption of measures to raise it in the future, to a high state of efficiency. Its curse has been political appointments. Let him choose the best men without distinction of party to fill any vacancies. Let him increase the salaries to members of the Bench, so that judges may cease to feel like criminals, and be able to live respectably. Let him insist upon the retirement of those who are physically incapable of performing their duties. Let him hunt down without any mercy the judge who neglects his duties, or is guilty of any act incompatible with his position.

Sir John A. Macdonald has before him a Herculean labor, verily he has to clean out an Augean stable. Let us hope that he will prove equal to the task, and that in any appointments he may make he will show that as Minister of Justice, his oath forbids his consenting to the prostitution of the judicial office, and that he has at heart the regeneration of the Bench in the Province of Quebec.

WILLIAM H. KERR.

[Mr. Kerr does not mince matters. The time seems to have come, he thinks, for calling things by their right names. But though his opinion is entitled to much weight, and receives the sanction of the *Revue Critique*, we hope things are not quite so bad as he puts them.]