be disposed of during the interim days, and consequently they will impinge on the vacation. There is also a quantity of work, unseen and unsuspected often, which a judge doing his duty has to perform. Again, we must not allow ourselves to be swept into the vulgar error of supposing that because a labouring man can work with his hands so many fixed hours a day, and almost every day in the year, therefore persons performing the higher intellectual work can do the same. There is this difference, a carpenter can lay down his saw or his plane and go to rest. A philosopher or a judge cannot command his brain to be still.

In another number I shall continue my remarks on this subject.

R.

WHICH IS IT?

Mr. Justice Cross is also reported to have said to the *Gazette* reporter: "We commenced this term with 116 cases, and at the end of the term probably not more than 20 will have been heard, which we can easily decide in a day or two after the term."

In his statement in Court on the 27th he is reported to have said: "As regards terms, he must say that his own feeling was that two days in the week were not sufficient for deliberation. He could not make up his mind in important cases in two days."

Both reasons may be bad; it is impossible to contend that both are good.

It appears that 17 cases have been heard and have not been adjudicated upon. The judges go to Quebec on Friday the 30th and they return on Saturday the 8th, and the Court re-opens on the 12th. That is, the Judges will have four clear days all counted to deliberate on 17 cases forming a pile of printed matter seven inches thick. It may be hoped that no judge will attempt to make up his mind in all these cases in four days, for though his diligence and honesty may be above reproach, the results of his lucubrations will not be very valuable.

R.

THE NOVEMBER APPEAL TERM.

The Court of Queen's Bench sat during eleven juridical days, from the 15th to 27th November. Besides disposing of motions and other applications the Court heard twenty-one cases on the merits. Two appeals were dismissed because the appellant was in default to proceed. Thus the roll, which comprised 116 cases, was reduced by 23 cases, leaving 93 cases unheard. Judgment was rendered on the 19th instant in six cases remaining over from September, and on the 27th in four cases heard during the present term. There are, therefore, 17 cases in which judgment stands over till December.

The above figures may serve as the basis of one or two remarks. It has been said that business would be advanced by the adoption of an hour rule for arguments, as in Louisiana. Without the prospect of some substantial advantage, it will not be contended that a tape measure is desirable in these matters; would there be any positive gain by its adoption? Let us see. The November Term, of eleven days, should comprise 55 hours' sitting. But the delivery of judgments consumed six hours, and the hearing of motions and other applications occupied at least four hours. Three hours were lost on one day by an adjournment, counsel not being ready to proceed. This reduced the time devoted to hearing arguments to 42 hours, for 21 cases, or precisely an hour to each side, including replies on the part of appellants.

No time, therefore, appears to have been lost under our elastic system, which leaves counsel unfettered in important cases, and does not encourage prolixity in trifling matters. If the hour rule were established, counsel would feel bound, more or less, to spread their argument over the sixty minutes in every case, more especially as clients often drop into Court to listen to the efforts of their advocates, and, every body being impressed with the importance of his own case, they might feel that justice was not being done to them, if the argument fell much within the hour.

MALICIOUS PROSECUTION OF SUIT.

In the case of *Boisclair & Lalancette* (5 Legal News, 266), the Court of Queen's Bench decided that there could be no action of damages based on something a party had done in a previous suit. Ramsay, J., remarked: "Had it not been for the decision in the case of *Gugy* v. *Brown*, I should have had no hesitation in saying that