

## COURT OF APPEALS IN QUEBEC—ACT FOR QUIETING TITLES TO REAL ESTATE.

withal of the rights of the clients they represent.

That the Bench and Bar of our sister Province of Quebec is not all that could be desired has been evident for some years past; but there are not wanting members of the Bar in that Province who not only deplore the existing state of things, but are determined if possible to apply a remedy.

We published some time ago an able article from the *Revue Critique* on this subject, written by Mr. W. H. Kerr. The dissatisfaction has now culminated in a series of resolutions which were passed by a large number of the Bar, and presented to the Court of Appeals at a recent sitting.

We desire to say but little on such a painful subject, especially as there is every reason to hope that a better state of things will shortly prevail. The burden of the charges against the Court of Appeals is, the accumulation of arrears of business, resulting in a practical denial of justice, and a want on the part of some of the Judges of attention to arguments presented by Counsel, and a general carelessness in their adjudications; and, with respect to one of their members, a suspicion that he sometimes gives undue and improper weight to the representations of some lawyers who are said to be favoured above their fellows. This, the most serious charge of all, and which is said to point to Mr. Justice Monk, demands instant investigation. We trust it may prove unfounded. It is also asserted that, in general, the Montreal Judges favour lawyers in the Montreal District, and that the Quebec Judges are partial to the Bar of the District of Quebec. Chief Justice Duval, it is alleged, is not equal to his position owing to ill health, physical weakness, and the want of other attributes essential to the success of the Chief of a Court. Judge Badgley, a most able jurist, and as a man highly respected,

is afflicted with deafness to such an extent that his usefulness is much impaired. We believe that no sort of censure was intended by these resolutions to the two Judges recently appointed, Mr. Justice Tascheriau and Mr. Justice Ramsay.

The whole matter will doubtless receive the attention of the Government of the Dominion at an early day, and the less said about it in the meantime the better.

The resolutions are as follows:

*Resolved*,—That the administration of justice in the Court of Queen's Bench has been, for some time past, inefficient, unsatisfactory, and destructive of the confidence which should be reposed in the highest Court of the Province; and that, in the interests of justice, an immediate inquiry by Royal Commission into the causes of such a lamentable state of affairs is imperatively required.

*Resolved*,—That in view of the foregoing resolution, the Bar of this section abstain from pleading before the Court of Queen's Bench during the present term, and that the Chairman of this meeting do communicate this and the foregoing resolution to the said honourable Court.

### PROCEDURE UNDER THE ACT FOR QUIETING TITLES TO REAL ESTATE.

Under the general orders of the Court of Chancery, the task of investigating titles under the Quieting Titles Act has been committed to several of the Local Masters in Chancery, but all titles so investigated have also to be further inspected by the Referee in Chambers, as Inspector of Titles, before being finally submitted to a judge. We believe that in the past there has been considerable diversity of practice amongst the local Masters, and that in many cases unexpected delays have been occasioned by reason of the Inspector rejecting titles which have been passed by the local Masters, in consequence of the existence of formal defects and objections to the proof which might have been supplied in the first instance had the practice under the Act been well