

THE BENCH AND BAR OF QUEBEC.

tuting the tribunal before which the charge must be investigated, are approached by the complainant or the defendant, or by friends, seeking to influence them in favor of one of the parties. It is also rumoured that the examiners, on the eve of an examination, have been spoken to by members of the Bar in favour of certain of the candidates. It is to be hoped that such solicitations have not induced any of these gentlemen to swerve from the path of duty. Placed in positions of the highest trust, the mere attempt to influence members of the Council, or the Board of examiners, is as heinous an offence as the endeavor to corrupt a judge.

Of all legislative enactments, decentralization is the one most fraught with fatal effects to the Bar and to the Bench. Life in a country district is destruction to a judge. His faculties rust, his energy declines, his learning is forgotten. In certain cases, without society, in a few years he neglects his duties as a judge, and ends by forgetting his duty as a man and a Christian. In lieu of being an example to his fellow citizens, he becomes a reproach to the community at large. To the lawyer in many of the country districts, the monotonous life he leads exposes him to many temptations, to which alas! he very frequently succumbs—how many men of fine ability have been destroyed owing to casting their lot in a country village. Moreover country practice tends to narrow the ideas, to turn the liberal practitioner into a pettifogger, to transform the advocate into a money-lender at exorbitant interest, and to make him a kindler of family feuds. The highest talent will always gravitate to the great cities, leaving as a rule inferior men in the country. Generally, the judges appointed in the country places are inferior even to those named in the chief districts, and with the happy conjunction of Bench and Bar, not composed of excessively good material, rejoicing in as many different interpretations of our codes, it may almost be said, as there are Districts, can it be wondered at that our law with its mixture of English, French and Civil principles, should by its administration be a veritable *olla podrida*, with an unsavory smell, affecting most unpleasantly the nostrils of the public?

As to the Bench generally, the most wide spread dissatisfaction exists through-

out the Province. It is perfectly true that the corruption which was brought home to certain judges in the State of New York cannot be reproached to their *confrères* here; but it is not the less true that carelessness, negligence, indifference, and favoritism may with justice be laid to the charge of some of them. Physical defects, absolutely disqualify certain of them from acting as judges, and yet they sit in the most important cases.

To plead a case in the Court of Queen's Bench, appeal side, is one of the most mortifying trials to which an advocate can be exposed. Some of the judges pay no attention to the argument. Cases pleaded in one, are judged as a rule in the succeeding term, an interval of three months elapsing. In many of the judgments the most amazing ignorance of the facts and law is apparent. In all it is clear that there has been no proper deliberation; the Montreal judges being anxious to return to Montreal, when the Court sits in Quebec, and the Quebec judges being animated by the same desire for Quebec, when the Court is holden at Montreal. Two or three days are often consumed by windy harangues on evidence, and the judges seem to imagine that they must each give all the facts, sift the evidence, and lay down the rules of law, where even the facts are patent, and a student of two years' standing is acquainted with the law applicable to them. But this it must be remembered, is a cloak skilfully put on to deceive the public into the belief that the judges are overwhelmed with work, and that they perform it; whilst the reality is, that in the Court the judges have little to do, and that little is done in the most slipshod and unprofessional manner.

The hardship to which suiters are exposed by the delay of three months intervening between the argument and the decision of cases in appeal, is excessive. And there is really no excuse for it save the incapacity of the judges; for with printed factums furnished ere the inscription, containing a full exposé of the facts and the views maintained by each party to the Appeal, nothing should be easier for a judge than to be well up, in both facts and law, when the case is heard. By then listening to the arguments of the Counsel on both sides, it would be easy for them to abbreviate the discussion, and