

## BENCH AND BAR.

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Those of the profession who took advantage of the long vacation and the demise of Trinity Term, to recruit their exhausted energies by voyages, long or short as the case might be, have returned, and again tackled to work. The Chief Justice of the Common Pleas, after his trip across the ocean, looks all the better for a brief sojourn in his native land. We trust the Chief Justice of Ontario is also better for his holiday, but it is certain that he must be careful not to overtax his strength, though he will be sorely tempted to take his full share of duty in the overworked Court of Queen's Bench.

The season's business—to use a mercantile phrase—has opened with a fair share of work in Chambers, indicative of the state of litigation in the country, and practitioners have awakened to the fact that the Assizes are upon them, and that applications for changes of venue, the settlement of pleas, security for costs, putting off trials, &c., have to be made and met without further delay, and in a space of time sometimes short from necessity, but often from procrastination. It is, however, well to know that, under the present mode of conducting Chamber business, the interests of suitors will suffer as little as possible, and less than was possible when a Judge was obtainable (during assize time) only at intervals, and then with but a few moments to devote to each case brought before him.

All parties—Judges, lawyers and suitors—are great gainers by the recent appointment of Mr. Dalton. But when we say *all* parties, we cannot include the Clerk of the Queen's Bench himself; for we understand that he receives no remuneration whatever for his increased labours. Probably many are not aware of this, but it is well that it should be known, so that it may be remedied. It may be assumed that Mr. Dalton received sufficient remuneration but no more for his services as Clerk of the Queen's Bench. When, therefore, his duties are practically doubled, and when these added duties can only be sa-

tisfactorily performed by a sound painstaking and experienced lawyer, it is only reasonable to expect that additional and adequate salary should be provided for the person doing the duty. When we consider, also, that the work, which was formerly divided among the six Judges, and was then complained of by some at least of them as too great a tax on time fully occupied with other duties, is now done by one person, it is not too much to suppose that a proper representation of the matter to the energetic, albeit economical head of the Government of Ontario, would put the matter right. One thing is certain—that the profession would not, after the relief they have experienced, tolerate a return to the inconvenience and hindrance to business resulting from the absence and other engagements of the Judges during Assize term.

There is another matter which it may not be amiss to refer to, when speaking of Chamber business, and it is this—though the bulk of it may be and is done before Mr. Dalton, there are very many matters of importance which can only be dealt with by the Judges themselves. And it often happens that there is difficulty in obtaining the services of a Judge, not from any desire on their part to shirk their work, but from their being no arrangement or system to enable parties to obtain a hearing before a judge without great loss of time, trouble and expense to practitioners and suitors. We admit the difficulty of providing adequate relief in the premises, but there is certainly a defect in the present system which should if possible be remedied.

One practicable remedy, so far as it goes, would be to enlarge the jurisdiction of the Clerk of the Crown as to some matters—indeed as to all except two classes of cases—1. Those relating to the liberty of the subject, which are excluded by the Act; and 2. That class of cases, such as appeals in Insolvency, motions for prohibition, and the like, which assume a jurisdiction over the Judges of the County Courts. That, we presume, could not be given to an officer of the Court with due regard to propriety and what philosopher Square calls the "eternal fitness of things." It might also be arranged that one of the Judges should be in his room at Osgoode Hall one or more days in the week, to hear cases which must necessarily be heard before a Judge.