

under review. That the Hon. Mr. Cartier is actuated by such motives, is the belief of the profession: that he has erred in his idea of decentralization, is the prevailing opinion—but his second grand object is one commanding attention by its originality and adaptability to the wants of the country.

To bring the witness face to face with the Judge who is to pronounce the judgment; to give to him, who is to decide upon the weight and worth of the words, the additional testimony of the looks, manner, and gestures of the *témoin*; to force him to hear with his own ears, and to see with his own eyes, those who give the evidence upon which he founds his judgments, may be said to be some of the grand changes proposed by Mr. Cartier.

The old system of *enquêtes*, had in the absence of the Judge, was pregnant with wrong and injustice. The words submitted to the Court as those of the witness were really those of the lawyers who examined and cross-examined him—the hesitation, the stammering, the half-confused reply checked, ere fully uttered, by the intervention of Counsel, did not appear upon the face of the deposition—the villainous expression, the guilty blush, the dogged bearing, were not photographed upon the paper—the style, the language, the expressions of every witness, however high or low his degree might be, were all clothed in a garment of words smacking strongly of a legal education. Time was given to unprincipled suitors to concoct plans to defraud, and to build up with fresh witnesses a cause founded on perjury. Such were some of the evils of the old system which it was the aim of the Attorney General to sweep away. That he has succeeded in removing them must be denied, but the greater portion of the blame attaches, not to him, but to the Bench and Bar.

The *vis inertia* of the profession is astonishing. Opposed to novelty, dreading change, they present, as a body, to the operation of every reform in the Judicature, a stubborn, quiet resistance. As long as they have an option to exercise between the old and the new systems, so long will they persist in clinging to ancient habits and worn out practices. They do not attempt to work our present rules; they avoid giving them a fair trial; and then they exclaim against their unfitness for purposes of practical utility. In all these irregular proceedings, they are borne out and countenanced by the Bench;—no notes of the evidence are taken by the Judge, in causes inscribed for *enquête* and hearing, whilst the witnesses are undergoing examination: no impression is conveyed to his mind by the actions, gestures, and words of the witness, of the degree of credit to which he is entitled: he retains, when he takes up the case *en délibéré*, no recollection whatsoever, in nine instances out of ten, of the appearance of those whose depositions he then reads over. In lieu of paying attention to the cause, and thereby in the end saving himself trouble, he reads the morning paper, glances over his private letters, or studies the record of a cause placed *en délibéré* a month or two previous. And this, forsooth, is what is called putting into practice the new system! Cases drag their weary lengths along, through months and years; the suits of one man alone may be said to occupy almost entirely the time of one Judge in the District of Quebec; the business of the country generally is retarded, and the time of professional men, suitors, and witnesses is frittered away, all owing to the refusal