thereto, so that the question was as to respect for the judicial proceedings of another country. Order of General Term reversed and judgment on report of referee ordered."

A MEMORANDUM ABOUT THE COURT OF QUEEN'S BENCH.

I.

It is generally admitted, that the Court of Queen's Bench, with its terms, as at present organized, is unable to deal with the work before it. If any evidence of this were required it is to be found in the fact that there were about 120 cases ready for hearing in the District of Montreal in the March term of 1874, and that to-morrow we shall find ourselves in face of a roll of 84 cases. Of these cases we shall probably hear 30. In a little over six years we have therefore only made up our lee-way to the extent of 36 cases. Evidently this is too close to be pleasant. Again there are only two terms of the criminal court, and they have expanded into terms of from five to six weeks.

The practical question that presents itself is as to the remedy to be applied. It is impossible to devise a remedy without having some positive knowledge as to the cause of the complaint. If a court cannot keep down arrears, it is at once proposed to name more judges, and the superficial observer is immediately satisfied with this expedient. If, really, the judges of the Queen's Bench had too much to do, an addition to their number might perhaps be necessary. But I contend that the five judges ought to be able to do all the work before them, and are able to do it, if the Government and Legislature were content to give them leave to manage their time according to the requirements of suitors. In a word the real difficulty arises from the existence of terms on the appeal side, and from their infrequency on the Crown side of the Court.

It is perhaps not very easy to explain to non-professional people in what the inconvenience of terms in a Court of Appeal consists. The advocates practising before the Court only feel a portion of it, directly. With some reluctance, I have come to the determination to tell the public how it affects us. For doing so, I shall offer no apology, further than to say: First, that I have pressed on the attention of the executive during the last three or four years the imperfections of the present system, and, not being a radical reformer, I have accompanied my criticisms with suggestions of amendments of a very simple kind, which, I venture to affirm, would enable five judges to dispose of all the appeal cases likely to arise in the Province for the next twenty years. Second, that a change is now contemplated which if anything aggravates the evils of the present system, and adds a new one.

As I have said, the fault on the appeal side is the term. The term is a necessity where you have assizes and jurors. There is no such necessity for a Court of Appeal, which sits in only one or two places, or indeed for any Court that has a permanent seat. Again the inconvenience felt by judges in appeal does not affect the judge hearing the case at length. The latter is at once seized of the whole case, while the judges of appeal only hear an abstract argument. By the operation of terms they are compelled to sit and listen to, we shall say, 50 cases without having an opportunity of coming to a conclusion as to any of them. Immediately after the hearing the factums are consigned to a bag, to be considered at leisure later. The mass by the end of the Montreal term is enormous. The last March terms resulted in a block of printed matter 11½ inches thick. To any one accustomed to intellectual labour, it must be manifest that this mode of presenting matter for consideration is about the most unsatisfactory that can be conceived. I do not allude to the physical prostration owing to the mental strain of a term of three weeks, for no one who has not experienced it can possibly realize it, but let me ask what the result would be of the professors of a college lecturing the students on all the branches of their studies continuously from ten in the morning till four in the afternoon during three weeks, and then sending them off for ten weeks to digest what they had heard, or rather what they had been told. It is true we are not youths, and we are supposed to have a general knowledge of the law; but it would be a foolish vanity to pretend that the great mass of cases which go to appeal do not present questions which, if not entirely new, have, from their combinations, all the difficulty of a new subject.

This is not, however, the weakest point of