scribed by any rule or form (and it would be exceedingly inconvenient to occupy the valuable time of the judge if it were so), that the judge should fill up and sign forms on the Bench, or, make out written memoranda of his judgments or orders, when there is a clerk present and paid for the purpose, whose duty it is by the 42nd section of the D. C. Act, to cause a note of all orders and judgments to be duly entered. The recent rules and forms do not prescribe anything different in this respect to what the former rules did, and I do not see what "Lex" means by saying "until recently this custom has been almost universally followed by the judges;" there is nothing to hinder its being pursued still by those who like it, but in cities like Toronto, London and Hamilton, where the business of the court is large, the pursuing such a practice must have a tendency to consume time needlessly. The custom of the judge swearing the witnesses, wherever it took place (and that too I apprehend was only done in exceptional cases), was a very absurd one, and must have been pursued in ignorance of the very plain wording of section 101 of the D. C. Act, which requires the oath to be administered by "the proper officer of the court," which I suppose means the clerk.

I do not know what is the custom of order in the courts which "Lex" attends, but the old well-established and time-honoured custom of hearing all parties and their witnesses and proofs with all due patience by the judge, and then for the parties and their counsel to take their seats and wait for the public declaration of his decision by the judge, is, in my experience, the more common, and strikes my mind as the more seemly. I have never found any difficulty in hearing what is said by the judge on the Bench on those occasions, excepting when invaders of the profession, who act as agents, in ignorance and in violation of the rules of good breeding, get up to criticise the judgment either before it is concluded or during the course of its delivery, or after it has been delivered;—in exceptional cases, inexperienced members of the legal profession do this, but they soon learn better behaviour;—in all such cases the judge should insist upon the person so interrupting taking his seat, and should permit of no further discussion. Where he does not so insist, it is very apt to make confusion—but it is always easy for the clerk to gather from the judge what the decision is, and to correctly minute it. The Judge's list furnishes a sufficient safeguard against mistakes such as "Lex" suggests, because the judge minutes upon that what his decision is, and how every case is disposed of, and the list will always afford the means of testing the correctness of the clerk's entries. There is no reason at any time for the judge to say what "Lex" suggests he might say, "I cannot precisely remember,"—the list can always be referred to, if it is properly framed and properly kept,—and there can be no reason whatever for imposing the double duty upon the judge, of first minuting the decision on the back of the summons and of also entering it upon the list.

Yours respectfully,

"UNION."

Union, Jan. 17, 1870.

[In our last number we published a letter from a correspondent who styled himself "Lex." Desirous as we are of giving space in our columns for free discussion on all subjects within the scope of this journal, we published the letter, but at the same time without agreeing with the views expressed by the writer. We had intended at the present time to shew wherein "Lex" had erred, but the above admirable letter from "Uuion" saves us the necessity of speaking as fully on the subject as we should otherwise have been obliged to do. We entirely agree with "Union," and disagree with "Lex."

As to the latter, we think our correspondent was not correct in respect to "endorsing the judgment on the summons" when he said it was a general practice. Our experience is otherwise in one of the counties (Simcoe), doing the largest business in Upper Canada.

Our correspondent is wrong also in his law that a judgment once entered can be altered after the rising of the court, either by judge or clerk.

Evidently "Lex" is not very quick of hearing, or, the court he is familiar with is not conducted with the regularity becoming a court of justice. If so, more is the pity, and the sooner there is a change in this respect the better it will be for all concerned. We sincerely hope the majority of the courts in Ontario are not conducted with that disregard to all propriety which is implied by "Lex," nor can we believe that such is the case.

A person who is not capable of noting correctly the judgment as rendered by the judge,