

COMMON LAW CHAMBERS.

judge as soon after the argument, on the *same day*, as he is able to wait upon him; and the former will not hear cases except upon a day on which he can see the judge and submit the argument for his decision.

We should be glad, either to see such a system adopted in this country, or to have power conferred upon the Judges Secretary to dispose of questions argued before him, giving him jurisdiction analogous to that of the Clerk of the Court of Queen's Bench in Common Law Chambers, and if necessary with somewhat the same restrictions; and thus a vast number of applications might be disposed of promptly, which are now delayed to await the convenience of a judge.

Coming from such authority, these important complaints deserve the attention of the judges; and the charges preferred against the officers of the court call for some action on the part of the government. We think it would not be unwise in the government to appoint a commission of competent men, who could enquire into all the facts and offer their suggestions as to any changes they might deem advisable, either in the systems pursued in the various offices, or in the officials having charge of the same.

No doubt much care would be required in the selection of the commissioner or commissioners—knowledge, ability and freedom from prejudice or irregular influences would be necessary. But the government may very well be trusted with this selection, and we doubt not it would be made with a single eye to the public good.

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The rules required to bring into full operation the recent Act of the Local Legislature were promulgated during Hilary Term.

These rules are founded on the English rules provided for a similar statute, but give the Clerk of the Queen's Bench somewhat more extended powers than are held by the officer holding the analogous position in England. By these rules the Clerk here has, in the cases excepted from his adjudication, power to grant summonses (except only when the liberty of the subject is concerned), whilst in England he would not. The rules do not exempt proceedings under the Municipal Act to contest the validity of elections, though in such cases the decision is final and conclusive, and there would seem to be as much reason for except-

ing cases of this kind as some others, for example, referring causes under the Common Law Procedure Act. Such matters as appeals in insolvency and the removal of causes from inferior courts are, we presume, excepted, as the effect would otherwise be to give the Clerk appellate jurisdiction over the County judges. Our present inclination, however, would not be to see the powers of the officer presiding in Chambers curtailed, but rather the reverse, provided always that the appointment is, from time to time, made with special reference to the duties assigned under the new system, for we can well fancy, that there will be occasionally some inconvenience felt by the same person not having jurisdiction in one case as well as another. Whether we may always expect a person in the position of Clerk of the Queen's Bench as capable of filling the new quasi judicial position as the present clerk is another matter. But the rules are intended, not for the present only, but to meet future contingencies as well.

We had hoped to have seen some provision made in the rules for fees to counsel on arguments in Chambers. We know of no case where the injustice of the present tariffs is so apparent as here. The fees for business in Chancery Chambers are nearly double those taxable for similar services on the Common Law side, and we do not hear that the former are too large; and if there is reason for asking an increase in the "west wing," there is, at least in this respect, twice the reason for an increase in Common Law Chambers.

Something ought to be done, and if necessary the matter should be brought formally before the judges by those interested—and the interested parties are not merely the town agents, but country practitioners in general; for although agents think it worth while to do a vast deal of work for the niggardly pittance allowed by the present tariff, they occasionally make a charge somewhat in proportion to the labour, time, talents or experience, as the case may be, devoted to the case entrusted to them—which fees, however, very generally come out of the pockets of their country principal. There is no reason why a proper fee should not be allowed to counsel arguing a case before one judge, as well as when the same person argues a no more difficult case before two or three judges. The remarks of Mr. Justice Galt, in the late case of *Royal Canadian Bank*