

The Legal News.

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THE COURT OF QUEEN'S BENCH.

A number of years ago, the Appeal Terms of the Court of Queen's Bench in Montreal became totally inadequate to the business to be disposed of. At that time the quarterly Term lasted from the 1st to the 8th of the month, and the Judges were absolutely precluded from sitting longer, because the Term at Quebec commenced on the 10th. It was only after long and persevering agitation in the press that the simple method of reversing the terms was adopted, and, by placing the Quebec Term first, allowing the Montreal Term to be lengthened, from the 11th to the 22nd. This worked well for a time; but at the present moment, and, in fact, for some time back, a similar difficulty has recurred. The term from the 11th to the 22nd is insufficient to get through the business on hand, and although the Judges have power to prolong the terms, this avails nothing, because in March and September the sitting in appeal is followed closely by a criminal term, and in June and December the midsummer and Christmas holidays make the Court indisposed to protract its labors. A great many cases are thus left undisposed of each term, and now a list of 91 confronts the Court. Supposing that, on an average, one case were each day heard, the records and factums examined, and judgment rendered, the Court has enough work on hand for 91 week days, or nearly four months; and by that time there would be at least 50 new cases inscribed, which would occupy two months more. But as the Judges have no chance of giving six months to the work, the prospect of keeping up with current business is not bright. Various expedients have been suggested to remedy this state of things. Those who have read the suggestions of Mr. Justice Ramsay in this journal (p. 226) know that there exists an easy escape from the difficulty. But even if this simple system be not adopted, there is a temporary expedient which may be resorted to. The Quebec and Montreal Criminal Terms are, by some singular awkwardness, not held simultaneously, though the Judges presiding are not

the same. Thus the whole bench of five Judges is prevented from sitting in appeal while one of their number is engaged either at Quebec or at Montreal in holding the Criminal Term. We would say, in the first place, let the Criminal Terms be held simultaneously, and half the difficulty disappears. But further, why is it more necessary that a Judge of the Queen's Bench should sit in Montreal and Quebec for the trial of a shoplifter than that he should sit for the trial of a horse thief in Richelieu or Iberville? Yet all the rural district criminal terms are held by Judges of the Superior Court. As a measure of temporary relief, at all events, the criminal terms at Quebec and Montreal might be entrusted to a Judge of the Superior Court or to a Judge *ad hoc*, and thus the arrears on the civil side, which have grown to be a thing of consequence, might be wholly swept away.

PROFESSIONAL REMUNERATION.

In connection with a claim of Mr. Joseph Doutre, Q.C., upon the Dominion Government, for services as counsel before the Fisheries Commission, some evidence that has attracted considerable attention has been given before the Exchequer Court at Ottawa. As reported in the *Globe* of Sept. 9, Mr. Doutre deposed that in the test case of *Angers v. The Queen Ins. Co.* he received \$500 in fees, although he spent but two days in Court. In another case, in which he obtained a \$12,000 verdict, he was three days in Court, and received \$1,800 in fees besides the taxed costs. In the case of *Grant v. Beaudry*, known as the Orange trial, he was paid \$10 per hour. Mr. F. X. Archambault, of Montreal, stated that in the case of *Wilson v. The Citizens' Ins. Co.* the amount claimed in the suit was \$2,000, but he received \$1,000 as a retainer, besides other fees. In the case of *Rolland v. The Citizens' Ins. Co.*, his retainer was \$2,000. In three *capias* cases which were presented as one, and which lasted about a month, he received \$2,800 altogether. In the criminal case of a woman charged with stealing some silks, he received a retainer of \$1,500. This client was merely admitted to bail. To defend a criminal case, which would not occupy more than two days, he had received \$2,000.

Evidence of this character seems to bear out rather strongly some remarks which we had