

being past 80 years of age, was afflicted with blindness."

It adds that the Special Commission was resorted to "expressly to prevent the possibility of the Chief Justice of the Queen's Bench occupying the seat which seemed peculiarly his own." It goes on to say:

"It is painful to direct public attention to the infirmities of such a man, or to say anything which may give pain to himself or to his immediate friends and connexions. But it is quite time that truth should be spoken on this subject, and we are only discharging a public duty by drawing attention to the actual state of things as regards the Head of the Common Law Courts in Ireland." "The result is what may be easily imagined in a Court where the Judge has become unable to direct, to follow, or even to remember the proceedings carried on before him."

Would that the Public Press would speak as openly upon the condition of things in Lower Canada.

It was truly said, in the Blossom case, "an Irish judge is as good as a Canadian judge."

The *Times* concludes its article as follows:—

"We should have been very glad if the Government had relieved us from the very painful duty of pointing out these things, though we can well understand the motives which have hitherto kept them silent. The tenure of office by a judge is a very delicate matter, and no action of Government is regarded with more jealousy than an attempt to create a vacancy in a place of which it has the disposal. But, whatever be the weight of these considerations, they ought manifestly to give way to a sense of what is demanded by public duty. There is no danger in the present day that the subject will suffer by the subserviency of the Judges to the Crown, but there is a great danger that the administration of justice may be occasionally rendered inefficient by the provisions of a law which, while carefully protecting the Judge from undue influence, leaves the subject at the mercy of the evils created by an improper tenacity of office. Few legal reforms would be more easy or more desirable than one which should fix a limit of age beyond which no judicial officer should retain his position. In England such a law is not greatly needed, for the judicial labour is so severe that every man must do his own work, and great vigour of body and mind alone suffices to bear the burden; but

where, as in Ireland, it is the pleasure of Parliament to retain a superfluous judicial establishment, some precaution ought to be taken against the natural tendency to retain a place of easy work after the power to do that work has departed."

In Lower Canada we have several such judges, as last referred to, and when we see the stoppage of the administration of justice by reason of this fact we are led to look to the Government for a remedy to the evil; but remedy has been long, and seems likely to be longer delayed.

Your readers will observe, with a certain amount of surprise, that the *Times* has come to propose "a limit of age," such as Englishmen have always had in abhorrence, but such as exists in the United States. Theory has, in the long run, to yield to realities.

Yours,

Montreal, Dec. 8, 1865.

T. R. S.

THE LAW OF COPYRIGHT.

A recent decision of the Lords Justices of Appeal in England, in the case of *Low v. Routledge*, in which the Copyright of a novel called "Haunted Hearts" was in question, affirms the important principle that "if an alien book be first published in England, at a time, when the author is first residing in any part of the British dominions, a valid copyright may be acquired in such book," and consequently that any infringement of that right, such as the Messrs. Routledge were guilty of, was a piracy. *Haunted Hearts* was published in England while the author was residing at Montreal.

DECEMBER APPEAL TERM, MONTREAL.

Owing to the absence of the Chief Justice, judgment was rendered in eleven cases only during the sitting of the Court of Appeals at Montreal, in December. In eight of these cases judgment was confirmed, and in the other three reversed. In only two cases was there a dissenting judge. In one case the record was sent back to the lower Court, judgment having been prematurely rendered while a petition *en desaveu* remained undisposed of.