judgment may be named *ad hoc* in lieu of one of the majority in the former case, and may, with the Judges who dissented therein, give a decision diametrically opposed to the one first rendered. The old number of four presented the means of attaining the largest possible majority—three against one; it is true that occasionally they were equally divided, and then the law confirmed the judgment; but in such case the Court below, composed of at least two members, gave a majority of two or three Judges, according to the circumstances, in favor of such confirmation. There is no such difference in mental attainments existing between the Judges of the Court of Queen's Bench and those of the Superior Court as would justify the presumption, that a single Judge of the former is always right when his opinion clashes with that of one of his brethren of the latter Court. But rarely is an unanimous decision rendered in Appeal—one dissentient in almost every case brands the judgment of the majority as unfounded in law. On many occasions two of the learned brethren, by lengthy and elaborate arguments, strive to relieve themselves from the opprobrium which they consider would attach were they to acquiesce in a judgment so tainted with injustice, so devoid of equity, as that from which they then have the honor to dissent. Extemporaneous essays, occupying three-quarters of an hour in their delivery, render but more confused the judgment of the majority. Propositions are therein thrown out, carelessly and hastily, which are entirely unfounded in law; facts are mis-stated, and the elementary principles of jurisprudence are denied. A system of pleading is praised by one honorable Judge, abused by another, and its existence denied by a third, and all in the course of one afternoon, whilst a single cause is being decided. American authorities are tabooed, and English precedents are frowned down, whilst the Commentators on the Code Civil are received as diamonds of the first water. Quotations from the Lower Canada Reports are often greeted with a growl of disapprobation, and one or two of the learned Judges beg to protest that their remarks in the cases cited have been misrepresented, and that they have not the slightest idea of pinning their reputations upon *les décisions des tribunaux du Bas-Canada.*

We may perhaps be here allowed to advert to another subject of the highest importance, which, though not falling within the exact limits originally meted out for this article, still may be considered as so analogous that it may fitly be introduced. For years we had the extraordinary anomaly presented of two systems of evidence in force at one and the same time in Lower Canada. In commercial and criminal cases, the proof was made according to the Law of England, and in all others the old French rules of evidence, founded chiefly on the Ordonnance of 1667, governed the cause. By the latter system, the relatives of the parties within certain degrees could not be examined; two witnesses were requisite in order to make satisfactory proof of a fact; and no one of the parties to a suit could be examined as a witness. That this was an inconsistency of the greatest magnitude had been felt by many members of the legal profession—that it was one reflecting discredit upon our system of law was admitted; but no Attorney General had, up to the year 1860, the moral courage to ventilate the project of reducing the laws of evidence in Lower Canada to order, and of recognising the same principles as applicable to all cases. To Mr. Cartier belongs that honor: