

CASES STANDING FOR JUDGMENT.

THERE are now standing for judgment a number of cases argued during last Term. Without legislation, these must all be re-argued after the appointment of a new judge. We would suggest the adoption of the Ontario statute 45 Vic. c. 6, sec. 3, modified as follows:—

“In case, after a cause or matter in the Court of Queen’s Bench has been heard by three judges thereof and stands for judgment, one of the judges by whom the said cause or matter was heard is transferred to the Supreme Court of Canada, or resigns his office, or is absent from illness or other cause, or dies, the remaining judges, if unanimous in their decision, may give judgment, as if such judge were still a judge of the Court of Queen’s Bench, and were present and taking part in the said judgment.”

At the same time, an adaptation of the Ontario statute 44 Vic. c. 5, s. 86, might also be passed:—

“Where a judge of the Court of Queen’s Bench, or of any County Court, is transferred to another court, or resigns his office, and any cause or matter which has been fully heard by such judge, either alone or jointly with another judge, or other judges, stands for judgment, he may give judgment therein as if he were still a judge of the same court, and any such judgment shall be of the same force and validity as if he were still such judge, provided that such judgment of the judge be delivered within six weeks after the said resignation or transfer.”

It has been suggested that our Act, which provides that the judge whose decision is appealed from must not take part in the appeal, should be repealed. We trust that it will not. The Act has given the greatest satisfaction, and is sound in principle.