

## The Legal News.

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The reforms suggested by a country lawyer in the present issue would merely shift the inconvenience. If the Court of Review were abolished the number of appeals would be trebled. Why should parties be subjected to the heavy costs of an appeal when they are willing to submit to the judgment of a comparatively inexpensive and much more summary tribunal? In theory the Court of Review is admirable, and in practice it works as satisfactorily as any court we ever heard of. If there were three or four Divisions sitting in appeal, it would simply be a Court of Review under another name, and it would be necessary to have a higher provincial court, for otherwise the Supreme Court would soon be blocked by the immense increase in the number of appeals that would certainly result from such a change in the system. The criminal business assigned to the Queen's Bench does not cause any obstruction at present, for a sixth judge was some years ago added to the court in order that one might always be available for the criminal work without interfering with the civil terms. It may be added that the appeal work is less than a year in arrear, and "Reform" must be unacquainted with the system if he has attended four terms without being heard, for unless a case is among the first thirty or forty on the list there is no need to come at all, and when it does attain that position it is sure to be called either that term or the next.

We are glad to state that the bench and bar of Montreal have enjoyed perfect immunity from the epidemic which is now happily declining. So far as we can learn there has not been a single case of illness from small-pox among the members of the profession. This is natural enough, for none better than a hard-working and clear-headed fraternity can appreciate how much truth there is in the old pagan maxim that "the gods help those who try to help themselves."

It is difficult for persons at a distance to realize how carefully small-pox pursues those, and those only, who are unwilling to protect themselves.

It has been said, however, that the initiation of new business has been somewhat interfered with by the epidemic. If so, the bar have had more leisure to devote to their old cases, for the appeal list, notwithstanding a great clearance effected in September, has crept up from 93 to 104 cases,—an increase of 14 as compared with the November term of last year.

The *Legal Adviser* (Chicago) refers to an inconvenience which has been pretty generally experienced. It says the use of shorthand in the trial of causes "is having the effect of greatly lengthening out the record, making it expensive in case of appeals, requiring also a great deal of time in examining a case on the hearing on appeal." The subject attracted attention at the recent session of the American Bar Association, and the following suggestion was adopted:—"The record of a trial should contain shorthand notes of all oral testimony, written out in long hand, and filed with the clerk; but only such parts should be copied and sent to an appellate court as are relevant to the point to be discussed on the appeal; and if more be sent, the party sending it should be made to pay into court a sum fixed by the appellate court, by way of penalty."

### COURT OF QUEEN'S BENCH.

QUEBEC, Oct. 8, 1885.

DORION, C. J., RAMSAY, TESSIER, CROSS, BABY, J. J.  
ROY (def. below), Appellant, & LEPAGE (plff. below), Respondent.

*Action—Surety—Transfer.*

*D. being indebted to R., in order to get time to pay, induced F. to give an obligation to R. as if F. was R's personal debtor. Subsequently D. settled with R. who transferred F's obligation to him, and D. transferred the same to the plaintiff who sued R. thereon.*  
HELD:—That even if the plaintiff obtained the transfer for value, he had no action against R., his action, if any he had, being against F.

RAMSAY, J. Dulac was indebted to Roy,