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JUDICIAL REFORM.

In the "Lettres sur la Réforme Judiciaire," by Mr. Pagnuelo, to which brief allusion has already been made, a number of changes are proposed in the organization of the Courts and the system of procedure. These may be grouped for the most part under the following heads:—

- 1st. Re-organization of the judicial districts, and re-distribution of the work, so that by substituting county judges for Superior Court judges for a portion of the business, the latter may be drawn more together than at present, and provision may be made for hearing contested cases before three judges.
2. Amendment of the procedure, so as to shorten delays, and expedite the final judgment.
3. Supervision of the judges themselves, to prevent abuse of authority or unjustifiable delays in the disposal of cases.

As to the first point, the reconstruction of the Courts, it is proposed to allot a larger number of judges to Montreal, Quebec, Sherbrooke and Three Rivers; to divide the Province into two *arrondissements*, with a Chief Justice for each; to abolish the Court of Review, and to constitute the Superior Court with three judges for hearing causes on the merits. With regard to delays, it is suggested that in the Superior Court the delay for summons should be only three days, and that the other delays be similarly shortened. Advocates chargeable with unnecessary delays in the conduct of a cause are to be held answerable in damages. Lastly, as to the supervision of the judges, it is proposed to create a *ministère public*, composed of the Minister of Justice, the Attorney-General, an Advocate-General at Montreal, another at Quebec, and of substitutes. This board or council would have a general supervision of the enforcement of laws, the conduct of officers of the Courts, and in general everything relating to public order. The Chief Justices are also to have disciplinary powers over the judges of their *arrondissements*, and a summary method—*la prise à partie*—is proposed of prose-

cuting charges against judges who have been remiss in their duty.

Our space will not admit of entering into the details of the scheme, of which the above is an imperfect outline. They are set out at great length and with much minuteness in twenty letters, comprising 200 pages, and in the *projet* of law, which fills 38 pages more. Our readers will no doubt consult the work for themselves. We may say, however, that several of the suggestions are worthy of attention. The facilities for rapid travel which are enjoyed at the present day seem to suggest strongly the advantage of centralization, to some extent at least, in order that judicial work may be more evenly divided, and that the judges may have opportunities for conference, and convenient access to the works which they have occasion to consult in the course of their labors. The labor of hearing cases on the merits before three judges would not greatly exceed that now occasioned by the revision of one judge decisions by three judges. The shortening of the delays for summons is perhaps not advisable. The present rule gives the debtor more time to settle before the costs are materially increased by the return of the action. On the other hand, Mr. Pagnuelo proposes to allow suits in which judgment has been rendered by default to be re-opened in certain cases. A system of "conciliation" is also proposed, by which parties, before entering upon a suit, would have an opportunity of coming to an agreement or compromise.

One other suggestion deserves to be noticed—that the parties be required to file a *factum* before the trial, setting out the facts which they intend to prove, and the propositions of law on which they rely, together with their authorities. The labor of the judges is sometimes greatly increased by the apparent reluctance of counsel to commit themselves to definite propositions.

The part of this *projet* which will find least support is probably the suggested surveillance of the judges. We are inclined to think that the remedy would do more harm than the disease it is intended to cure. Under the existing state of things in this Province, the subjection of the judges to surveillance and discipline to the extent proposed is hardly practicable; and in time to come it is to be