

The Legal News.

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The vacancy on the Superior Court bench at Quebec, caused by the resignation of Chief Justice Stuart, has been filled by the appointment of Mr. Jean Alfred Gagné, of the district of Chicoutimi. It is a little singular that Mr. Gagné is appointed first a Q.C., and then a judge, *uno actu*. Seeing that Queen's Counsel are appointed by the half hundred at one time, it does not indicate a vast amount of discrimination, when the particular gentleman eligible for a judgeship is found to have been omitted in the lavish distribution. The changes caused by the resignation of Sir Andrew Stuart are as follows: Mr. Justice Johnson becomes Chief Justice, residing at Montreal. Mr. Justice Casault obtains the position formerly held by Mr. Justice Johnson, with residence at Quebec. Mr. Justice Routhier is transferred to Quebec, and Mr. Justice Gagné succeeds him in the district of Chicoutimi and Saguenay.

The Green Bag (Boston Book Company, publishers) has pursued its entertaining course for a twelvemonth, and we are glad to note that the result has "far exceeded the expectations of both publishers and editor." *The Green Bag* has merited success, and the reader who adds it to his stock of books will not be disappointed. The last issue contains a fine portrait of Mr. Irving Browne, editor of the *Albany Law Journal*.

The accumulation of business in the Supreme Court of the United States is now so great that the average delay between the setting down of an appeal and the hearing of the cause is four years—a delay involving in many cases an absolute denial of justice. During the first twenty years after its organization, in 1790, the average annual number of cases pending was less than 100, and never exceeded 150 till after 1843. During the twenty years from 1862 to 1882 the number of cases docketed at the beginning of each

term increased from less than 350 to more than 1,000, notwithstanding the Act of February 16, 1875, raised the minimum limit of appeal from \$2,000 to \$3,000. At the close of the October term, 1885, 904 cases remained on the docket undisposed of. By cases docketed during the October term, 1886, this number rose to 1,403, of which 455 in all were disposed of during that term, leaving 948 cases undisposed of at the close of the October term, 1886, or a net increase of 44 cases. At the beginning of October term, 1887, the number of cases docketed had risen to 1,044, increased during that term to 1,437; of these 422 in all were disposed of, leaving 1,015 undisposed of at the close of October term, 1887, or a further net increase of 67 cases during that term. At the beginning of the October term, 1888, the number of cases docketed was 1,140, increased during that term to 1,562; of these 417 were disposed of, leaving 1,146 cases undecided at the close of the October term, 1888, or a further net increase of 131 cases during that term. At the beginning of the current October term, 1889, the number of cases docketed was 1,248, since increased to 1,494, being a net increase of 300 cases since the close of the October term, 1886, or less than three years.

Dr. Barnardo, whose name is favourably known in Canada in connection with the transplanting of boys from the English metropolis to the more salutary surroundings of rural and farming life in this country, recently became involved in serious difficulty, and the case may serve to illustrate the jealousy with which the Courts regard any attempt to frustrate their authority. A child of eleven years of age was placed, on September 25, 1888, under the charge of Dr. Barnardo, who afterwards obtained the mother's consent to his being kept at Dr. Barnardo's Home. On November 16 of the same year Dr. Barnardo handed over the child to the custody of a person who took him out of the jurisdiction, and of whose residence Dr. Barnardo was, and remained, ignorant. In March, 1889, application was made on behalf of the mother to Mathew, J., for a writ of *habeas corpus* for the produc-