

## JUDICIAL REFORM.

The report of the proceedings at the sittings of the General Council of the bar of the Province of Quebec, held in Montreal on the 8th, 9th, 26th and 27th of December, 1882, and at which several resolutions were adopted which will be submitted to the Quebec Government as important amendments to the legal procedure of the Province, has just been completed by the General Secretary of the Council. At these four sittings there were present Mr. William White, Bâtonnier of Sherbrooke, and Bâtonnier-General of the Province; Hon. H. G. Malhiot, Bâtonnier of Three Rivers; Mr. W. W. Robertson, Bâtonnier of Montreal; Hon. R. Laflamme, Q. C., delegate of Montreal; Mr. H. C. Cabana, delegate of Sherbrooke; Mr. L. N. Denoncourt, Q. C., delegate of Three Rivers, and Mr. S. Pagnuelo, Q. C., General Secretary.

## FIRST SITTING.

On the 8th of December the Council went, upon invitation, into the Chambers of the Judges of the Superior Court, Montreal, and there met the Hon. Justices Torrance, Rainville, Jetté, Papineau, L. O. Loranger and Doherty, and the Hon. T. J. J. Loranger, Commissioner for the codification of the statutes. A general discussion was engaged in upon the different questions of judicial reform, principally upon the composition and organization of the Superior Court and the Court of Review, upon the mode of trying cases and of taking evidence, upon the advisability of having the Superior Court and Court of Appeal to sit permanently by abolishing terms, upon judicial statistics and the imperfect mode in which they are prepared and published, upon the advisability or necessity of bringing all the judges of the Superior Court to reside in the principal cities, and thence going on circuit as a condition of the plurality of Judges sitting in the Superior Court and as a means of expediting business in Montreal. After a general discussion on these matters the Council adjourned to their own room, and then the sitting was adjourned until next day.

## SECOND SITTING.

On the 9th of December the Council resumed its sittings with the same members present, and with the Hon. T. J. J. Loranger, Commissioner, upon invitation.

After routine business,

Hon. Mr. Loranger gave explanations upon his report to the Government, and stated that the causes of complaint arose mostly from the slowness of trials, the increase of costs which followed, the too great number of degrees of jurisdiction, and the trivial interest of many cases taken in or evoked to the Superior Court. He proposed to abolish, first, the Court of Review; secondly, the statutory appeal to the Privy Council, and thirdly, to abolish evocations from the Circuit Court to the Superior Court, and to determine the value of immoveables in all real or mixed actions. He proposed to have oral trials for all cases in the Circuit Court under \$100. Evocations, he said, were the result of the effect given to a decision as *res judicata*. In France and at Rome, the judges were the same for great and petty cases. Here, it was different. By means of oral trial in all cases under \$100, it would be impossible to say that the issue was the same. When evocation shall take place, it shall be only after the filing of the pleas. He proposed to abolish all appeal from interlocutory judgments, and to abolish also the reasons of appeal and factums.

The CHAIRMAN observed that it would be better not to try too radical changes, and to restrict new legislation to the most pressing wants, and communicated amendments suggested by the Bar of Sherbrooke.

The Secretary remarked that the Council had not the time to enter into all the details of a new code of procedure, and that it was necessary to restrict the discussions to the most important features, and to ask that the legislature at its next session should adopt the important and pressing reforms that the Council would suggest, leaving to the codifiers to mature the draft of re-organization or reformation of the Courts and of the code of procedure which should be adapted to the new state of things.

The following resolutions were proposed and unanimously adopted:—

1. Proposed by Mr. W. W. ROBERTSON, seconded by Mr. H. C. CABANA, "That the system of permanent sittings of the Courts be adopted, so that every juridical day in the year be a day for hearing subject to the Council of the Bar of the District, together with the residing judge, determining special days when the Courts shall sit; all questions of procedure, with the exception of the taking of evidence and hearing at the same time may be had in Chambers on any of the days not fixed for evidence and hearing at the same time.

2. Proposed by Mr. H. C. CABANA, seconded by Mr. W. W. ROBERTSON, "That the existing system of taking evidence be changed and a sufficient number of competent official stenographers be appointed in every District, whose duty it shall be to take evidence *au long* in all