

appealable cases. As the former can be carried to the Queen's Bench direct, without necessitating an intervening appeal to the Superior Court, there appears no sufficient reason for originating them in the Circuit Court; the result being merely to embarrass the efficiency of that Court, which is one essentially summary in its character. All cases of this class ought, I think, to be brought in the Superior Court, subject (as respects costs, either in the Court of original jurisdiction or in appeal), to the tariffs as they presently exist.

The sitting of the several Courts, in Montreal, might be as follows:—The Circuit Court from the first to the fifth of each month except January, July and August. The practice division of the Superior Court from the tenth to the fifteenth of each month, except January, July and August. The Superior Court, for trials before Judges, in three separate divisions, from the seventeenth to the twenty-third of each month, and *in banco* as a Court of Review, from the twenty-fourth to the twenty-seventh of each month, except January, July and August. *And in all cases the Court should be enjoined by Statute to commence business at Ten A.M.*

Under such a system I take it for granted that a considerable number of cases would be adjudged, at the time of trial, without resorting to that senseless practice of taking *en délibéré*. Then as cases either in the practice court or, although submitted for judgment without argument, at trial, may yet require examination by the judge, I would suggest, that, instead of their being taken *en délibéré* as it is called, the judgment should be held to be pronounced on the day it is asked for; in the same way that judgments are frequently pronounced *sauf à réviser*. We should thus rid ourselves of another senseless practice, that of proclaiming a long array of judgments in cases by default or equivalent thereto. Then, as to really contested causes, I would suggest, that there should be two adjournments for judgments in cases that have been tried, namely to the last day of the month in which the Court is held, and to the next juridical day after the

Circuit Court, (except in January and July, when the adjournment ought to be to the equivalent day of those months), and an adjournment for judgments by the Court of Review to the juridical day following the one last referred to. In this way, ample opportunity would be afforded, for mature deliberation in the more important cases, and for despatch in those of minor character.

In my proposed arrangements I purposely abstain from suggesting details as to the working beyond our own district, as I prefer to leave their consideration as respects other districts, and specially the country ones, to those who are more familiar with their particular wants.

In bringing these remarks to a close, I beg to invite the criticism of yourself and the members of the profession generally on my project, as my sole object is, to start discussion with respect to the present exceedingly unsatisfactory administration of justice in Lower Canada, and to secure, if possible, a remedy for the evils under which we are suffering.

Q. C.

THE IRISH BENCH.

To the Editor of the L. C. Law Journal.

SIR,—It appears that Lower Canada is not the only country blessed with *effete* judges.

We have suffered much, and truth compels to say that certain judges, political hacks, in times past, have cost the country dearly. At present we are again suffering, witness the lamentable appearance of our highest court, but it appears that in Ireland they are not in a better condition than we are.

In the *London Times* of November 21st., is an article in which it is stated that upon the Commission for the trial of the Fenian prisoners, the three Irish Chief Justices have not been put because of incompetency; they have been passed by. The *Times* says:

"The Irish Bench seldom lacks one or two judges who ought long since to have retired. It was not long ago that the English ideas of the proper administration of justice were shocked by the presence on the Irish Bench of a judge who, in addition to