

THE PSYCHOLOGY OF THE JUDGES

Editor of Ontario:

Law With Its Glorious Uncertainty
I present the following from "November issue" "Medico-Legal Journal" New York City as a study not only by barristers but by doctors and the dear people. For further study and endorsement in such studies, I refer the reader to "Thistledown" by Ford (of which R. W. Adams has a copy) and "Reminiscences of Scottish Life" by Ramsay, to illustrate court life and decisions. I also refer to "Sketches of the Irish Bar" by Shields.

The following article by T. D. Crothers, M.D., Hartford, Conn., was read at a meeting of the Medico-Legal Society, Oct. 24th, 1916:

One is impressed after sitting in a court room for hours at a time, with the fact that the health of the judges must be a more or less prominent influence in the conduct of the trial as well as in the administration of justice. Behind the formality and veneer of dignity, there is an intense human element which cannot be concealed. Good judges of human nature quickly realize the mental atmosphere of the judge, whether in sympathy or opposed to the prevailing sentiment of guilt or innocence and the right and wrong to be corrected. If the culprit is a woman one can recognize something of the influence of the home life of the judge, often in looks in sentences and rulings. His estimate of the position of the witness or either of the contestants is displayed in many ways although he is careful to conceal it as far as possible. Evidently some judges form an opinion after the general statement of the facts, which may or may not be influenced by the further study of the case. Other judges are evidently indifferent and have no sympathetic interest or convictions until the last moment, and then their interest is concentrated to give a decision that will not be over-ruled, or one that will be reasonable to the contestants. If in a jury trial there is less sympathy and more formality, it is also observable that some judges display emotional changes, such as irritability and severity in their mental attitude, or else, are dull, apathetic and more or less indifferent. These mental states depend upon their physical conditions, and their physical health and how far they determine their rulings cannot be known. There are some facts which are at least very suggestive. Thus in some instances there is very wide variation in the decisions of judges on matters of fact and law that cannot be explained except from a study of the mental and physical health of the judge. Thus, a New York judge, before whom many cases are tried, has a very turbulent home life, with many delinquents in it. Another judge in private life, lives in a most intense religious partisan atmosphere; another is a very intense politician; and another eminent man is intensely fond of sports and popular in the clubs; and so on, down through a long list of circumstances, surroundings and conditions of living that vary widely. There can be no question of the influence of these personal factors. It is professional life. To what extent courts held at night for special purposes are subject to these conditions, is a matter of conjecture. The statement of judges that the extension of trial cases into the night is not satisfactory, probably owing to the strain and weariness involved, is most reasonable. A recent writer has said that night courts are wrong in theory and practice. Only in large cities where emergency cases occur, is it possible to conduct such courts. The question arises, what sort of judges should be assigned to these courts? Where the purposes to be settled, are of minor interest, all that is expected is a reasonable common sense judgment of the facts in dispute. The judges have the advantage of medical men in being able to defer the issue to some future time, whereas among doctors, a decision must be made at once. A medical man gets the impression that many of the cases tried in the lower courts should come before both male and female judges. It would seem that their united judgment would result in a closer approximation to justice, than that of either one alone.

This will be a reality in the near future and will undoubtedly be an evolution in the courts of law. One central fact grows with every new study of the workings of courts of law, and the health of judges must be considered in the problems to be settled. This fact is forced upon my attention from the statement of an eminent judge, that he never felt sure of the wisdom of his decision in important cases unless he became

thoroughly rested in body and mind before reaching his convictions. After a protracted session and the submission of a mass of evidence he went out to his country farm and spent two or three days in active service working and directing the operations of his men. Then he was able to reach conclusions that were satisfactory to himself. Another judge of my acquaintance every little while, works early and late in a large orchard, giving the same reasons for this change of occupation. This is a very fertile subject and deserves extended study in future.

Law is one thing and decisions are another. Law is construed in legal text books and misconstrued in courts. Who was it who changed the definition of a court, from: "A place wherein justice is dealt out judiciously," to "a place where justice is dealt out judiciously?" Yes, "Courts for cowards were created and churches built to please the priests," said Burns. Such is "Law with its glorious uncertainty." Vitari denique culpam non laudem meret. —Horace, and decisions are often given according to fixed or transient moods of temperament, whims or follies or prejudices or exacerbations of trivial, or chronic ailments. "The trouble with all our judges (some one said) is that they are so thoroughly impregnated with the capitalistic spirit that their judgments are apt to be warped in favor of the money interests when they come in conflict with the rights and demands of the common people." Fiat Justitia!

—JUNIS

FORTY-SIX SHEEP WORRIED BY DOGS.

Messrs. Michael Perdue and Geo. Boats, of the township of Ennismore had the misfortune to have, between them, forty-six fine sheep worried by dogs a few days ago. Some of them are dead, others are dying, and the majority will either die or have to be destroyed. One of the dogs (a hound) was caught and shot. The owners of the dogs, which are said to reside in Smith township, will likely be presented with a bill for the sheep. The sheep industry was just beginning to come to the front again in that district, having been practically destroyed by dogs some years ago, and unless something is done to protect the farmer in this branch of farming industry it will receive another serious setback.

GERMANY'S EFFORTS TO MAKE THE BELGIANS HAPPY.

Striving to Make Them Attain German Felicity in Spite of Themselves.

A cartoon in Punch is brought to mind by a statement just given out by Henry Carton de Wiart, the Belgian Minister of Justice. It shows a cockney father, dragging his two tired little children on a long walk in the blazing sun on Hampstead Heath. The children are evidently tired and hungry, and both are crying. But the father drags them forward, muttering "I brought you out to enjoy yourselves and you've darn well got to."

Says Mr. de Wiart, German politics everywhere is described by the aphorism that it is their duty to compel people to be happy. It is always Germany's pretension to make people happy even in spite of themselves by violence. There is only one felicity in this world; it has to be German; and as the world does not appreciate this felicity, Germany is making war upon it. Therefore in connection with the situation in Belgium it is not possible to apply to Germany reason. Belgium is for the civilized world an excellent example of its fate were Germany to have the power to organize its happiness according to German methods.

The Belgians' country has been devastated, its wealth plundered, its people murdered and outraged, its crops stolen and its people reduced to national mendicancy, because of Germany's feeble design to make the people happy in the German way.

As Mr. de Wiart says the example is an excellent warning to the world. At the same time the whole spectacle surely forms a pitiable plea to the generosity of other people spared by the fight that has taken place on Belgian soil from a similar fate. Frail women, many of them of gentle birth, little boys and girls, old people, babies these by the hundred thousand are only hanging on to life in Belgium by means of the food and clothing that is distributed by the Belgian Relief Commission.

Would you like to help this relief work? Your contribution would be very welcome. Your local Belgian Relief Committee, or the Central Belgian Relief Committee, 59 St. Peter Street, Montreal, would welcome a donation.

ST. THOMAS CHURCH SUNDAY SCHOOL CHRISTMAS TREE.

The annual Christmas tree, distribution of prizes and presents held Thurs. evening in the Parish hall was a pronounced success, the building being crowded with children, parents and their friends.

The teachers had labored faithfully and successfully to make the event one of enjoyment for the children, and distributed over 250 presents and candy bags to the scholars present.

The recitations, songs and musical selections given by the pupils were highly creditable to the school and appreciated by everyone in the large audience.

A short and encouraging address was delivered by the Rector.

The superintendent added a few words of welcome and took advantage of the opportunity to impress upon those present the need of more teachers as the attendance is so rapidly increasing, the average being well over 200.

Accompanied by her husband, Mrs. Wheatley sang a very appropriate selection which added much to the enjoyment of the evening.

Before the programme closed Mr. Skelcher on behalf of the teachers and officers of the school presented Mr. Elliott with a beautiful silver mounted umbrella as a slight recognition of his services as superintendent.

The meeting which will long be remembered by the children was brought to a close by the singing of the National Anthem.

SAVED FIVE COWS FROM DROWNING.

"It's an ill wind that blows nobody good is a proverb that was admirably exemplified on Christmas day, the scene taking place in the immediate vicinity of Bogart. It occurred in this way. Owing to the arduous duties devolving upon him as one of the great staff O.H.M.S. the general P.M. "Patrick" Hopkins, was obliged to spend Christmas day at home, and to this fact a neighbor owes him a debt of gratitude. The farmer in question owns a herd of cattle which have been accustomed to water at the river near the post office. On Christmas day they visited the place as usual, but their safe return to their stables can only be accredited to Mr. Hopkins—who as usual—was Johnnie on the spot and saved his neighbor from experiencing a heavy loss. Five head of the cattle broke through the ice and had to be drawn out with a team of horses which Mr. Hopkins hustled to the scene. At the point where the unexpected immersion took place the water is about 10 feet deep and it is very fortunate indeed that Mr. Hopkins was so near at hand to come to the rescue.—Tweed Advocate.

MYLES-HILLER WEDDING.

Deseronto, Dec. 29.—A quiet wedding was solemnized in St. Mark's church, Christmas evening when Deibert N. Myles and Miss Beatrice E. Hiller were united by the rector, Rev. C. E. S. Radcliffe. The bride looked charming, dressed in a cream serge suit, with hat trimmed with pink and grey silk velvet, and wearing a bouquet of pink and white roses. The bride was the recipient of a number of pretty and useful presents, that of the groom being a set of beautiful furs.

The wedding dinner was partaken of at the Deseronto House, after which the happy couple left for Hamilton and other western points.

ESSAY NOTES.

Payday yesterday for the 235th. Outposts today.

Sergt. Harry Kingscott's brother Allen Kingscott of the 15th Highlanders, Montreal has written him from Germany as a prisoner in Lichten camp. He reports a great shortage of food and clothing. He was taken prisoner at St. Julien. He cut his knits up for trousers. He was confined in a civil German prison for 15 weeks because he refused to make munitions.

Lieut. Tummon is relieved from duty with the 354th. Recruiting meetings will be held in the Griffin House on Sundays, Jan. 7th and 21st, at which the band will play and at one of which Hon. J. D. Hazen, Minister of Marine will speak.

SCHOOL OF COOKERY.

The next class of the school of military cookery will open on January 8th and it is expected that a large number will be in attendance. The class will be conducted at artillery park barracks, and the instructors will be Sergt.-Major Rolfe and Staff-Sergt. Brown.

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HEATH—HALL NUPTIALS

A very pretty wedding was solemnized at the home of Mr. James Sutherland in Rawdon township, on Tuesday, December 19th by Mr. Richard Irving of Kingston, when Miss Nellie Hall, only daughter of Dr. T. A. Hall, of Brandon, Man., was united in marriage to Mr. Verney Heath of Rawdon.

The bride, who was given away by her uncle, Mr. Sutherland, wore a dress of cream satin with pearl trimming, carrying a bouquet of white carnations. The young couple were unattended but Annie Morgan, niece of the groom, and Greta Spencer, cousin of the bride, wearing dresses of rose and white silk, acted as the flower girls. The wedding march was played by Miss Flossie Heath. The groom's gift to the bride was a pearl necklace, to each of the flower girls a signet ring and to Miss Flossie Heath, a brooch.

After the ceremony the bride and groom left for Toronto and on their return will reside in Rawdon.

WILL BRITAIN ADOPT PROHIBITION?

The breweries required for the year ending last September 1,224,000 tons of barley, 305,000 tons of other grains, 65,000 tons of rice, maize and bye-products; 119,000 tons of sugar, and 41,000 tons of molasses. That is a total of 1,708,000 tons. When foodstuffs are scarce and high in Britain, and labor is short, and economy by everyone absolutely imperative, the spending of \$800,000,000 a year on drink naturally is singled out for attack. The grain used by the breweries is mostly home-grown, but if it were available for other purposes the country would need to import so much less. Official figures put the saving in tonnage from the diversion of this grain and other materials to proper uses at 1,000,000 tons net of shipping. This represents about one-thirteenth of the net tonnage of the marine.—Toronto Mail and Empire.

PREFERRED DEATH TO COBOURG

David Ryan Attempted Suicide in Counties Jail

David Ryan who was sentenced to six months at the Prison Farm at Cobourg, is still in the Counties Jail at Cobourg, awaiting delivery to the Western City. Like many others who are obliged to remain in Cobourg for any length of time, Dave grew despondent on Tuesday evening and endeavored to commit suicide by hanging. Dave used his braces for a rope. It was only the timely arrival of Jailer McLaughlin that saved his life, otherwise we would be writing an obituary for Dave today. The jailer slashed the braces with his knife, and after a little extra attention, Dave recovered. He now occupies the padded cell and is being carefully watched.—The Guide.

BULLET ENTER BRAIN; BOY LIVES

Remarkable Escape of Little Frank Gordon; Missile Enters Right Eye and Passed Through Brain.

Three revolvers said to be the property of seventeen-year-old Bob Gunn, Kingston, came within a flash of costing young Frank Gordon his life at Keating's pasture on Saturday afternoon, where in company with three young companions he was engaged in the dangerous sport of crow shooting.

The revolver in young Gordon's hands missed fire and the youth put his right eye to the barrel in an endeavor to discover the reason for the gun falling to go off and accidentally pressing the trigger the bullet which was of the kind known as "twenty-two short" tore through the boy's brain, bringing up against the skull at the back of his head, causing temporary paralysis to his right arm and right leg.

The injured boy had suffered considerably from the cold as he was not

FOUND BY HIS COMPANIONS FOR SOME TIME AFTER THE ACCIDENT.

The injured boy is reported out of danger today though he will lose the sight of the eye.

\$485,208 PAID FOR CHEESE

During the year just closed there was handled on the Frontenac Cheese Board 26,956 boxes of cheese, which, averaged at ninety pounds to the box, would approximate 2,426,040 pounds, and this, figured at the average price of twenty cents a pound would give the handsome sum of \$485,208 paid over to the farmers of Frontenac county through the cheese buyers who attend the board.

As only about one-third of the factories in the county are represented on the board, the total receipts from the industry will amount to about two-thirds more than the above figures. The highest price paid on the board during the season was 23 3/4 cents a pound, and on the same day 24 cents was paid on the curb. The lowest price was 14 3/4 cents, which was paid on July 13th. Secretary Pillar points out that the past season was one of the most successful in the history of the board, and expects that next year will see a new interest taken in the upbuilding of the system of marketing of Frontenac's greatest product.

WHITHER IS PORT HOPE DRIFTING?

Only Four Men Qualify For Council—Another Nomination Will Be Held.

Mayor Mulholland, Reeve Smith, and Deputy Reeve Rosevear have been elected by acclamation, but as yet there are not sufficient candidates to form the Council. Only four took out the necessary qualifications, which means that another nomination must be held for two more Councilors. The four members elected by acclamation are S. B. Burnham, T. J. McMahon, J. H. Wilson and James Dench.

INSPECTOR ASSAULTED

License Inspector Stewart of Peterboro had a rough time in Havlock on Thursday last, when he was grievously assaulted by a man named Jas. Hodgins of town. The Inspector met Hodgins on the sidewalk and claimed he was drunk. Hodgins denied the wet allegation and proceeded to do things to Mr. Stewart. The assailant was finally placed in the cool spot in the cells, whither he was assisted by several citizens commanded by the Inspector. Hodgins came up before County Magistrate Langley at Peterboro yesterday forenoon, but we go to press too early to learn the result.—Havlock Standard.

155th MAN DEAD.

In the casualty list today is the name of Pte. Percy Kennedy, who succumbed to illness in England. He was a member of the 155th battalion

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