

## EDITOR'S NOTES.

**Electing Judges by Popular Vote.**

An argument against the election of judges is supplied by the recent defeat of Mr. Justice Cooley in the State of Michigan. Of him *The Central Law Journal* says: "Thos. M. Cooley as a constitutional lawyer takes rank by the side of Story and Marshall. As a writer upon constitutional law he is superior to Story, because he is more accurate, less diffuse, and is not vain of a display of learning. His legal judgments surpass those of Story in brevity and diction; they equal those of Marshall in diction and in massive reasoning, and greatly surpass them in learning. No judge has ever lived in this country, possessing a more enlightened spirit of justice, or a more evenly balanced judicial mind. His work on torts is the finest epitome of the law upon that subject which has ever been written in the English language. His labors as a lecturer in the law school of the University of Michigan have given him a personal acquaintance with the members of the bar in every section of the Union. Through his labors as an instructor, an author and a judge, he has acquired a hold upon the good opinions of his professional brethren such as is probably enjoyed by no other living lawyer. And yet this great lawyer, after having occupied for some twenty continuous years a seat upon the supreme bench of his State, was defeated of re-election the other day by a political combination, having at the head of their ticket a man unknown to the legal profession outside of Michigan."

Every system has its defects. The fact that Judge Cooley has been maintained for twenty years, by popular vote, as a judge, shows, at all events, that that system does not necessarily result in the election of demagogues—a result that we, in Canada, are apt to regard as inevitable. To the appointment-for-life principle there is the grave ob-