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JUDICIAL REMUNERATION.

It was generally believed that the salaries of judges of the Superior Courts would have been re-adjusted during the recent session of Parliament, but, unfortunately, the wise counsel tendered by Lord Dufferin (see 1 Legal News, P. 469,) has not yet been heeded. We are reminded of this subject by the following letter from an English barrister, which appears in the *N. Y. Herald* of May 8th:—

ROCHESTER, N. Y., April 18, 1881.

To the Editor of the "Herald,"

The following information may interest some of your readers:—"Barbour's Supreme Court Reports" from 1847 to 1877, contain 11,616 reported cases or thereabouts. Volume 67, as those of your readers who are lawyers will know, contains a list of Barbour's cases—appealed, as affirmed, approved, modified, overruled or reversed. On totalling up this list, I find that the whole number of the above decisions appealed from is 1,020, of which number 428 cases, or nearly fifty per cent, were either reversed or overruled. Comment is needless. The "people" imagine that they are very economical in underpaying the judges, and also in not trusting them with office during life or good behavior. A blessed state of ignorance, truly! It is not too much to say that the majority of the judges are shamefully overworked, and the wonder is that they perform their duties so well. It is like as if a doctor was crowded with patients from morning to evening, and only allowed one minute to each patient and to have to work evenings as well, and yet to be expected to make miraculous cures, the patients, of course, to be allowed their privilege of grumbling all the time. It was only the other day that Judge Choate, of New York, resigned because he declined, and most properly, as I hold, to have the life's blood drained out of him for \$4,000 per annum. A man of ability owes some duty to his family after all. He cannot afford to allow himself to be killed. Again, the very idea of a man being called upon to decide cases involving thousands of dollars, upon a salary of \$4,000 a year smacks of absurdity. It is safe to say that for every dollar the people save in salaries under the present system, they pay at least five in other and roundabout ways, the uncertainty of the law being one great luxury for which they pay pretty heavily. Why a lawyer who has or who can get a fair-sized practice should ever consent to become a judge in New York State is more than I have ever been able to discover. The people of this country are fond of comparing it with monarchies and aristocracies to the disadvantage of the latter, and no doubt in many respects it may be so favorably compared; but there are two qualities in

which those "effete" systems are at present decidedly superior—namely, in giving credit for good intentions, and in generosity to public servants.

The "people" are mean and the "people" are cowardly—that is all there is in it. They are mean because while claiming and getting the utmost fraction of wages and the utmost value of products for themselves, they underpay and overwork those men of education into whose hands are necessarily committed their highest interests. And why? Because they are jealous of them—meanly jealous of them. They are cowardly because having given a trust they are afraid to trust wholly, but give a niggardly, half-hearted confidence. What sacrifice of power can the "people" possibly make in appointing them judges for life or good behavior? Let any one show one valid reason based on popular liberties for the present limitations. In case of misbehavior brought before the Legislature, can the people not cancel at any time the appointment of any judge? As regards despotism, I fail to see that it makes any difference whether the despot is personal or impersonal. The "people" or the "machine" called "the people" are here the despots, and they require slaves for their service. The boasted maxim of "Live and let live" is all very well so long as the people are on the "living" side of the contract, but when it comes to "letting live" those they employ it is quite another affair altogether.

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P.S.—The profession should do as their betters do—go in for a little trade unionism. They should strike and let all the business of the State come to a standstill for want of judges. This is a mere matter of organization.

THE LATE CHIEF JUSTICE DUVAL.

We conclude, in the present issue, the reproduction of a very interesting, and at the same time very truthful account of the late Chief Justice Duval. We regret that the author's name is not appended. The production is generally ascribed to an eminent ex-judge. We must add, from our own recollection of this important character in Canadian history, that Judge Duval, though generally correct in his appreciation of the evidence, did not always satisfy his hearers that he had read it carefully; and he was frequently undignified in his style of rendering judgment. For example, we have heard him say, "*This will teach the appellant a lesson not to rush into Court with such a case again,*" when one or more of the judges sitting by him dissented from his view of the case, and were of opinion that the appellant was well founded in his pretention.