is highly reprehensible—that of summoning a Judge to prove a case of that sort": (*R. v. Amos*, Trinity Term, 1851.)

In another case the question came up before the late *Judge Talfourd*, at the Gloucester Assizes, (*R. v. Dalton*) and the same principle was affirmed. Dalton was indicted for perjury, committed in the County Court of Cheltenham; and when the case was called on *Mr. Francillon*, the Judge of the County Court said he had been subpœnaed to give evidence of what had passed at the trial before him, and thought it his duty to call attention to the circumstance. *Talfourd, J.*, observed: "There can be only one opinion on the subject. It would be most inconvenient to subpœna the Judge of the County Court for the purpose of supplying evidence which might equally well be given by any one else who was present: if such a practice were to grow up it would lead to great inconvenience, not only to the Judges but to the public—at the same time being aware that the learned Judge of the County Court had no objections to attend here as a witness. I have conferred with my brother *Patterson* on the subject, and we are of opinion that there is nothing in the law of evidence which would exempt the learned gentleman from obeying the subpœna, though it is plain that if through the pressure of his judicial business he had been unable to attend the Court would not issue an attachment against him."

As the County Judge was present, his evidence, it was stated, might be given, (*Mr. Francllon*, be it observed, had no objection to be examined) "but," added *Judge Talfourd*, "I had the entire "concurrence of my brother *Patterson* that this "must not be drawn into a precedent. *The very* "*same principle is as applicable to the Judge of the* "*Superior Courts as to the Judges of the County* "*Courts.* There is no principle that would apply "to *Mr. Francillon* that would not equally apply to "myself and my brother *Patterson.* It would be "most inconvenient if the Judges of the Superior "Courts or the County Courts were to be obliged "to attend in different parts of the kingdom, not "only in cases of perjury but in cases of new trial, "to produce their notes of the evidence given before "them; and if such a course were to be extensively practiced, it would be the duty of the Legislature to provide a remedy." Subsequently the County Court Judge stated that he had only taken notes of the evidence of plaintiff and defendant, but not of the other witnesses, "as he thought it more important to watch the demeanour of the witnesses than to take full notes of their evidence." Upon which *Cooke*, for the prosecution, said, "that in consequence of the intimation from his Lordship," and *Mr. Francillon* having no notes of the evidence, he would release him from attending.

With respect to notes, we believe it is not the practice, if we except two or three Judges, to take notes in the Division Court, and consistently with the prompt despatch of business on the Cause List, (perhaps 500 or 600 cases to be disposed of in a single day!) it seems scarcely possible to do so. Nor indeed does there seem in the generality of cases any occasion to do so; few minds can be advantageously applied at one and the same time to the facts and law of a case, and also to writing down evidence and then give a momentary decision. With respect to calling Judges as witnesses we take it the law may be thus stated. There is nothing to exempt Judges from the duty of obeying a subpœna, but the Courts will discourage the practice of calling them, and will not allow them to be examined to prove what took place before them, where the same evidence might be equally well given by any one else who was present.

A case in which the facts could not be proved by other persons as well a Judge is not at all likely to arise, so we may assume that practically Judges are exempt from being examined as witnesses or producing their notes to prove what took place before them.

THE COURT OF CHANCERY.

The Court of Chancery—yes, the words are written—words which make the timid quail and even the boldest to recoil. Somewhat frightened at our boldness, we venture to apply an eye to a chink in this mighty erection and take a brief glance at—shall we say like Blue Beard's room—the horrors within. No, we will not use so harsh a term, for unless able to view the whole it would be unfair to characterize the whole upon partial review. Our present purpose then is not to assail the Court as a distinct jurisdiction nor to cavil at the rules on