

# The Barrister.

---

VOL. III.

TORONTO, MARCH, 1897.

No. 3

---

## EDITORIAL.

### United States Cases.

Because of the large number of cases of importance which we feel called upon to publish in this issue our editorial space has been necessarily cut down. We desire, however, to say a word or two about the number of United States cases published in this and other recent numbers of *The Barrister*. Firstly, they are published as affording what we trust is interesting and instructive reading. Then, again, cases are selected as far as possible which bear upon points of law under current review by our Courts or English Courts. In many cases we publish the decisions of our neighbours' Courts upon subjects that have never come before our Courts and on which we are without authority. Frequently, although not following an American authority, our Courts and lawyers follow and adopt the reasoning contained in the opinions of their Judges. In many States the laws upon given points are

similar to ours, and even where they differ the principles and institutions which underlie both are English, and in the legal march onward that "common Anglo-Saxon citizenship," so ably proposed by Professor Dicey, will, we feel, be promoted by a knowledge of what is being done by American Courts and lawyers in the same field.

\* \* \*

### Criticism of the Bench.

We believe that a fair and moderate criticism of the behaviour of Judges where the facts warrant it, is healthful and beneficial alike to the Bench and Bar. A Judge should be upheld when right and condemned when wrong. No Judge is above the law. Counsel in the conduct of cases in Court have rights and duties to perform which no Judge can curtail. The pathway between the rights of Judge and counsel is sometimes narrow and easily crossed. Frequently the Judge is the trespasser, but except