

Canada Law Journal.

VOL. XXXII.

FEBRUARY 1, 1896.

NO. 2.

Mr. Justice Ferguson, we regret to say, was unable to take his place in the Divisional Court on the 7th January last. He has unfortunately been confined to his house for over eight weeks past with illness, brought on, we are sorry to hear, by overwork. In the last autumn sittings, the learned Judge made strenuous efforts to clear his dockets at two or three assizes, and, in order to do so, prolonged the sittings of the Court frequently until midnight. His anxiety to save suitors expense and delay is certainly praiseworthy, but it has proved rather a serious business for the learned Judge himself. It is to be feared that time enough is not allotted for the holding of the Courts, with the result that an altogether unreasonable effort is made to crowd the business of three or four days into one or two.

Mr. Bagshawe, a member of the English Bar, in recently commenting on this sort of thing in England, makes the following observations, which are deserving of attention in this Dominion: "Whenever I hear of a Judge sitting more than seven, or at the outside eight, hours a day, I say to myself: 'Lord help the poor people who come before him.' Judges are, after all, human beings—some of them very human—and I affirm, as a fact, that no human being can properly exercise judicial functions for more than a distinctly limited number of hours in a day. If he goes on longer, he is almost certain to get too tired, or, which is saying the same thing, too sleepy, or too impatient, or too irritable, to do his work properly. From similar causes, the barristers and solicitors (who are paid), and the jurymen and witnesses (who are practically not paid), who are kept on duty—or, which is worse,