

eral scope and tendency of the great scheme of English jurisprudence, and when the politician became merged in the country gentleman, the constitutional knowledge gleaned in the stormy latitude of St. Stephens, helped to guide the Justice of the Quorum in his useful task.

But in the Colonies the case has been widely different. It is almost needless for us to remind our readers, that in them no class exists in any respect analogous to that from whose ranks the magistracy of England is selected.—A glance at the state of Upper Canada will shew the real difference at once. We speak it not with the slightest disparagement to the country we live in, and least of all to the highly respectable and respected individuals holding the Commission of the Peace. Magistrates had to be appointed, and the government had to avail itself of the only materials within its reach. The general character of the early settlers in a new country,—the description of people that attain most rapidly to property and influence, and become conspicuous in an essentially money-making community, all these things are too well known to render it necessary for us to illustrate our position by example or further assertion, when we maintain that a system which could work so admirably among a population like that of England, where ranks are strongly marked and broadly divided, might in a country like Canada be open to many objections, and susceptible of much necessary improvement. The English Justice of the Peace occupied a far different position, in relation to the rural population around him, from the Canadian. The former was generally the great man of a small community,—the 'Squire' of the village Commonwealth,—whose fathers perhaps for ages before him had borne a similar designation, and exercised similar functions.—Hence among a quiet population, a deep-rooted feeling of respect, frequently blended with affection, encircled the honoured tribunal of the magistrate, and invested his decisions and general authority with a weight and influence which materially increased his usefulness. In Canada the reverse was the case. A new township was about being filled up, settlers of all classes were thronging into it, and the Government appointed those whom it conceived most eligible from information and position to the Commission of the Peace. But in the exercise of their functions they experienced

much difficulty. They were almost perfect strangers to the people over whom they were invested with local authority. They had not the advantage of rank, wealth, or the recollections of ancient descent to raise them in the estimation of their neighbours; they had generally to follow the same occupations, and but small respect, and less moral influence did they naturally enjoy. We recollect the Arch-Rebel Mackenzie, in one of his grievance-hunting productions, making us smile at one of his assertions, which we believe was not wholly destitute of truth,—that in one township settled in Lord Seaton's time, there were *fourteen horses, and fifteen magistrates*. A speaking illustration of the social position of a new country.

Although Canada can be advantageously compared with most other countries as to the frequency of crime, yet it cannot be a matter of wonder to find that her present establishment of police and magistracy is wholly inadequate even to the wants of her thinly peopled country. In England, it was soon perceived, that if an active and rigid maintenance of the law were required, the system of unpaid magistrates must be materially modified. It is a maxim well understood in most countries, that *if you want any thing well done you must pay for it*. In large towns it was at once obvious that a police force must be regularly organized, and officers armed with proper authority must be paid to direct and command it. In densely populated parts of the country also, it was deemed advisable that a *stipendiary* magistrate should be always within reach,—a regularly paid official, whose duty it was to be ever on the alert to detect and prevent if possible the occurrence of crime. England, Ireland, and Scotland, are now fully furnished with stipendiaries, and never was money better expended than in keeping up such indispensable guardians of the public peace. In the large towns, police magistrates with adequate salaries sit daily for the regular dispatch of business, and can be found at all hours, and at the shortest notice, should their aid be suddenly required. Did the peace of the community depend on the voluntary assistance or activity of the unpaid magistracy, our old country cities would present a hideous spectacle of unbridled vice and hourly occurring disturbance. We believe no force is so efficient as the London police, and none is so unobtru-