

SELECTIONS.

SOME ACCOUNT OF A VETERAN COUNTY JUDGE—HIS LABOURS AND REMUNERATION.

He joined the British regular army as a volunteer in 1812. When fifteen years of age he was present at the battle of Queenston. He was also in the battle of York, Stony Creek, Beaver Dam, Black Rock, Chippewa, and Lundy's Lane, where he commanded a company, the storming of Fort Erie, the siege of Fort Erie and the sortie made at Fort Erie. He left as Lieutenant in 1817 and commenced the study of the law. He was sworn in as an Attorney in November, 1820, with the late Sir J. B. Macauley; called to the bar in Hilary Term, 1823; he then stood No. 68 on the Barrister's Roll; he is now No. 14 on that Roll and No. 8 on the Bench's. He was appointed Judge of the Ottawa District Court, 21st December 1825; Judge of the Johnstown District Court 30th June, 1837, and Judge of the County Court of the United Counties of Stormont, Dundas and Glengarry, on 6th January, 1842. He has now been a Judge for 38 years.

In the Ottawa District he travelled to perform the duty in 11½ years, 11,040 miles, principally on horse back. The Judges were then remunerated by fees, and his amounted to about \$40 yearly; making in 11½ years \$460. A constable's fees for 11,040 years would be \$1104. The expenses at \$4 per day attending the Court amounted to \$2168. He then worked for the *honor* and *paid for it*. He will have no objection we fancy *now*, if the Government will pay over the balance of \$1708. The 5½ years services in the District of Johnstown, was rather better; he travelled 5280 miles and was two hundred and sixty-four days absent from home, and his expenses at \$4—\$1057; but his fees of office amounted in all to \$1480, his gain is therefore was \$424, or \$1.70 per day, not making any deduction for professional loss during his absence. One case he is aware of; a person waited three days for him, got impatient and placed upwards of sixty cases in the hands of another lawyer.

As a sort of interlude, in '37 and '38 he raised and drilled four troops of lancers and it *paid* better than Judge's fees and was more agreeable. In 1824 the Judges were compelled to reside within jurisdiction, and this gentleman was transferred to the Eastern District, now the Counties of Stormont, Dundas and Glengarry, and shortly afterwards was informed that his salary would be \$1300!!! This was no *boon* however, as he could not practice in his own Court, as both *Attorney* and *Judge*, as did formerly the *Commissioners* of the defunct *Court of Requests*; and his professional emoluments fell the first year from \$3200 to \$800, here was a dead loss of \$1100 besides his travelling expenses. In 1845 the judges were prohibited practising, and the *magnificent* sum of \$300 (!!) yearly was given in lieu, and the Judge had now to mourn a yearly loss of \$1600 and travelling expenses. Hoping for better times, he pursued the "even tenor of his way," but it was "a hard road to travel,"

and a *long one too*. From January '42 to January '64 he has accomplished 20,244 miles, to the discomfiture of divers horses, the wreck of many carriages, and the rupture of divers traces, straps and appurtenances, the injury of his health and the destruction of divers coats, pants and clothing. But the Judge became an expert backwoodsman and became familiar with dirty beds, poor fare, worse liquour, heat, cold, crowded court rooms, impure air, roads without bottoms, travelling some times on foot, on horseback, in canoes, in rain, in snow storms, in fact he learned to put up with *every* discomfort, except sleeping double; with fleas and bed-bugs, he is well acquainted but desires to discontinue the familiarity.

To sum up—the number of miles he has travelled in 38 years is 26,564; hereafter it will be 1242 yearly. The number of cases tried is 29,210, the number of special cases, demurrers, &c., in term exceeds 500, and he retains a vivid recollection of sitting up till two of the clock in the morning on many occasions, to master them. The criminal cases probably exceed 500 to 550. The number of days spent in Court is 2960, a little over eight years. Four cases have been appealed and two reversed.

The amount of salary received from the Province since the year '42 is	\$45,400
Fees received in the Ottawa District ...	460
" " Johnstown " ...	1,480
Total	\$47,440
Deduct expenses in Ottawa Dist't \$2,168	
" " Johnstown " 1,506	
" " Stormont, Dundas, and Glengarry	4,768
	\$8,442

Leaves a balance for the Judge of \$38,998

This gives for 38 years \$1,026 yearly; but if the Judge had continued his practice and given up the *honor* in 1842, his remuneration from it since then at \$3,200 yearly, would have amounted to \$67,200 and he would have saved \$4,768 travelling expenses, equal to \$71,968; from this deduct the sum received from the Province \$45,550, and it will shew that he would have been a gainer of \$26,468.

—*Cobourg Sentinel*.

MAGISTRATES, MUNICIPAL & COMMON SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

CORPORATION—DELEGATION OF AUTHORITY—NUISANCE.—Public officers cannot delegate their powers; and therefore a third person though acting with their license and permission and under the superintendence of their surveyor, cannot justify himself for acts creating a public nuisance although the acts so done are within their statutory powers and would be legalized if done by themselves. *Head v. Bush*, 13 W.R. 651.