which now ministers to the solace of Sir John Coleridge.

STRICTURES FROM THE BENCH.

Judges after all are only human beings, notwithstanding the majesty with which their office is invested, and which to a limited extent attaches to their persons; and the amount of awe which they inspire varies, more or less, according to the bump of reverence which each individual among their possible subjects possesses.

Probably it is something akin to this very proper feeling of respect for their office, if not for their persons, which makes it so refreshing to hear their observations, not unfrequently called forth, on the alleged short-comings or stupidity of the Bar, or even of their brethern on the Bench. That they do break out occasionally in righteous wrath at some of the proceedings or omissions of judicial officers over whom they have an appellate jurisdiction, when utter carelessness or incompetence is the cause of the difficulty, is not to be wondered at. For example, some of our County Judges would appear to have a very hazy idea of their duties in taking down notes of evidence, &c., at trials, a most important matter when it is remembered that their rulings are liable to be called in question at any moment by a Superior Court. We happen to have before us two reported cases in the Common Pleas, where the Court makes some very plain observations on this point. In *Arthur* v. *Monck*, 21 C. P., at page 83, the learned Chief Justice expresses "great regret at being compelled to mention the very great difficulty, I might almost say impossibility, which the Court feels in trying to deal properly with a case sent up to us as this has been. We cannot, of course, dictate any particular mode either in trying cases or charging juries, or dealing with objections or reported cases: we must content ourselves with expressing our painful sense of our inability to perform the duty cast upon us by the Legislature, as a Court of Appeal from the County Courts, if the latter tribunals do not place before us fuller and more complete and satisfactory reports of all that took place before them."

The habit of this County Court Judge in this respect would seem to be inveterate, for we hear in *Ainslie* v. *Ray* (reported on page 152 of the same volume), the despairing accents of the Court in their almost impossible endeavour to do justice between the parties for the same cause, in the words of Mr. Justice Gwynne, who said: "This is *another* of those appeals from the County of Kent in which we are not informed how the learned Judge charged the jury, although it *does* appear that defendant's counsel *did* make some exceptions, but what they were is not stated." The italics are ours, but we can fancy they very faintly represent the accentuation of the sentence as read by that learned Judge, whose most expressive and earnest manner of reading his judgments is so highly appreciated at the Bar.

Some of our readers may deem these observations of the Common Law Judges too severe. If so, let us confirm them by the remarks made in Equity. Even the mild flow of Chancery procedure is disturbed by the strange doings of an occasional County Judge.

It is said that "If a judge is just, a chancellor is juster still,"—and we suppose a vice-chancellor must be about as just as a chancellor. Take, then, the language of V. C. Strong, in *Northwood* v. *Keating*, 18 Gr. p. 670, where, upon its appearing that the same County Judge had taken upon him to insert something in the certificate endorsed upon the deed of a married woman, after he had signed it, the Court is provoked into saying, "No doubt it was a very irregular and improper thing to have done."

It is, however, from the Bench in England that compliments of this kind fly most freely, and sometimes apparently without the good cause shewn in the extracts given above. We do certainly see, once in a way, in this country, a sentence like the following, which we extract from the judgment of the Court in *Nicholls* v. *Nordheimer*, 22 C. P. 57, on an appeal from the decisions of another County Court Judge:—"On the merits there was enough, possibly, to prevent a non-suit. We can hardly, however, understand any intelligent jury, not to say a Judge, accustomed to criticise evidence, finding for the plaintiff." But it takes an English Judge to express his opinion freely of a brother Judge's view of the law in a case on appeal. There is no beating about the bush to find a polite form of words wherein to express the contempt the one entertains for the opinion of the other; but there is a plain declaration that some opinion