

year caught a severe cold, which brought on a violent attack of neuralgia that increased in intensity month by month till December following, when the lower part of his body became paralyzed, and he completely lost the use of his lower limbs. Occasionally he suffered excruciating pain, but notwithstanding always endeavoured to discharge the duties of his office with his wonted care.

In early life he was a keen sportsman, much given to fishing, shooting and boating. He was also an officer in the Sedentary Militia, and as Colonel of the 4th North York Regiment did good service during the rebellion of 1837. Years before the rifle was taken up as a weapon of warfare by the English volunteers, Mr. Small publicly advocated that the militia of this colony should be made familiar with its use. He was foremost in rifle matches, and ever ready with his purse to contribute generously for prizes for "the best shots." He himself, in 1839, carried off the medal from a host of competitors from all parts of Upper Canada. He was, before 1840, a man of great bodily and mental activity; and since that year, notwithstanding his infirmity of body, was a man of very active mind. He took a great interest in agriculture, and up to the time of his death managed one of the best cultivated farms in the immediate vicinity of Toronto. He was always among the first to experiment with and introduce new machinery in agriculture, and shortly before his death was a successful competitor for prizes at Provincial and County Fairs. He was indeed a man of untiring industry, and of late years did all in his power by his purse and by personal exertions to promote sound principles of agriculture in Upper Canada.

In 1860, notwithstanding his bodily infirmity, he visited England and made an extensive tour on the continent of Europe, thoroughly enjoying the scenes incident to foreign travel, but without any permanent benefit to his health or amelioration of his bodily sufferings; and though he availed himself of the advice of the best surgeons and physicians of the day, he returned to Canada little if any thing better than when he left.

Mr. Small was careful and methodical in every matter of business. He was at all times obliging to the members of the profession, several of whom he had known from childhood and by all of whom he was respected. The methodical habits which he evinced as a public servant he carried with him in the management of his property and even in the government of his household. Several weeks before the day of his death he arranged his affairs with the utmost detail.

His appearance was prepossessing. His face was well formed and handsome, indicating not merely much vivacity, but much intellectuality. His frank smile seemed to

belong to one who knew little either of physical or mental suffering. He was at all times confiding and cheerful. His desire to make those about him contented and happy caused him to endeavour to conceal the pain which often agonized him, and in spite of himself at times clouded his face. His hospitality before the death of his wife was unbounded. Since then both he and his daughter, though in a quieter manner, were ever ready to welcome those who enjoyed the pleasure of their acquaintance. His death has caused a void which long will be felt by a numerous circle of friends.

He was buried on Monday the 21st March last, at the family vault near Toronto. The body was borne to the grave by six of his old servants, followed by a numerous concourse of mourners, including his venerable preceptor the Bishop of Toronto.

A GOOD APPOINTMENT.

We congratulate the profession upon the appointment of Mr. M. B. Jackson to the responsible office of clerk of the Crown and Pleas, in the Court of Common Pleas. His learning and experience will enable him to discharge the duties of that office with credit to himself and satisfaction to the profession. He is certainly the right man in the right place. Our only regret is that his declining health should have rendered it necessary for him to abandon his lucrative practice for the acceptance of such an office. But in doing so no doubt he has acted prudently, and we hope that his expectations of renewed health, owing to diminished toil, will be fully realized. The salary attached to the office is £400 per annum.

THE BENCH AND THE BAR.

We learn from our Kingston exchanges that Kenneth Mackenzie, Esq., who for ten years has been judge of the county court of the United Counties of Frontenac, Lennox, and Addington, has resigned the judgeship and is about to practise the profession of the law in the city of Toronto.

We welcome the learned gentlemen to the ranks of the profession in the city of Toronto. He was called to the bar in Michaelmas Term, 1843, and for nine years successfully practised his profession in the city of Kingston, before his elevation to the Bench. His experience both at the bar and on the Bench must be of great service to him now that he is about once more to fight the battle of life in the profession to which already he has devoted so much of his time.

The bar of Kingston last month presented him with an address, of which the following is a copy:—

KENNETH MACKENZIE, Esq., Q. C. :

The members of the Kingston bar avail themselves of the present opportunity of tendering to you their respectful acknow-