

Correspondence.

COUNTY JUDGES AND THE HIGH COURT BENCH.

To the Editor of THE CANADA LAW JOURNAL :

SIR,—In an article in last volume, at page 146, taken from the (English) *Law Gazette*, the remark is made that "the appointment of men like Trench, Q.C., and Austin, to the County Courts, makes the promotion of third and fourth-rate lawyers to the High Court Bench impossible for the future." The recent advancement of Judge Landry from a County Court of New Brunswick to the Supreme Court of that Province seems to indicate a new and wise departure, in the spirit of the above extract, from the practice heretofore prevailing in Canada.

Several of the County Court judges in the Maritime Provinces accepted office without the slightest idea that their doing so would be any bar to that promotion to which their abilities and previous standing, added to some judicial experience, would in due course entitle them : and were amazed and dismayed when their proposed advancement was refused, on account of an alleged "rule" that no County Court judge could be any further promoted, no matter how great his merits. Four of them, at least, I should say, would never have accepted the office had they been made aware that it subjected them to such humiliating conditions. True, during the premiership of Mr. Mackenzie, a judge of the County Court of Prince Edward Island was elevated directly to the Chief Justiceship of the Island over the heads of the puisne judges of the Supreme Court, and no one saw in the fact, or its results, anything anomalous or inconsistent with the fitness of things. But hitherto, under other administrations, a rule forbidding any such promotion has been laid down, to the detriment of the public interests and the claims of worthy judges.

County Courts were established in New Brunswick before Confederation, and the Bench filled under the auspices of the party instrumental in carrying that great measure. Each judge had an extensive district and aggregation of counties committed to him, with a jurisdiction concurrent with that of the Supreme Court in all criminal cases not capital. Judge Watters, who was appointed for the city and county of St. John and county of