

It is not easy to see what can be said in favor of the present system, except that it is generally a matter of convenience to the person appointed. The fact of knowing the characters, peculiarities, and circumstances of those the appointee may be brought into contact with, as a judge, has a plausible aspect; but, when considered in all its bearings, this is really a reason to the contrary, as was well stated by our correspondent (*ante* vol. 27, p. 534).

It is almost impossible for a man, however right-minded he may be, to divest himself of all personal predilections and prejudices. His duty is to decide each case according to the evidence. It may not be so easy to do this when one of the litigants is an old friend in whom, perhaps, he has had reason to place confidence, and the other, it may be, one whose reputation may not be very good, or with whom the judge has had business disputes or personal difficulties. He will often unconsciously be swayed by influences that warp his judgment. Unknown to himself, elements will enter in and operate upon the workings of his mind other than those which should alone have weight with him.

Apart from the question of personal convenience and family ties, we venture to say that a person appointed to the County Court Bench would prefer, so far as his judicial duties are concerned, to act in a county other than the one in which he has practised. He would, for example, be glad to be relieved from the very unpleasant task of being compelled to listen to the wrangles of those who are his neighbors, and with one or both of whom he may be on terms of friendly intercourse, and of being compelled to remember constantly that *fiat justitia*, the result of which may very probably be that as to one or other litigant a friend will be offended or alienated.

Again, how often it happens—most unpleasant task of all—that some of the judge's intimate acquaintances are, through no fault of theirs perhaps, brought up before him on a judgment summons. In dealing with such a case he may be influenced, unconsciously, by motives which interfere with the granting of rights which suitors are entitled to. Would not any judge be better pleased to have to deal altogether with comparative strangers while performing the necessary duties of his office?

We are inclined to think, also, that the relations between the Bench and Bar would be much more pleasant and satisfactory if an outsider, rather than a local man, were appointed. The former would at once take his proper place. The old proverb of a prophet having no honor in his own country is of special force in this connection.

We trust we shall soon see a change from the old practice—a practice which there is no good reason to believe was begun and has been continued from a supposed political necessity. Can we hope that the dawn of a better day is at hand in this and in other matters? We trust we may. County judges should never be selected merely because they have been useful to or workers for the party in power. In any case their identity as politicians should, as soon as possible, be lost; and this will more readily be accomplished by a change of venue.

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