

mind to the study and practice of equity. When the Court of Chancery was removed to Kingston, the then seat of government, he also removed to Kingston. He continued to reside there so long as the government remained in that city. When Montreal became the seat of government, Mr. Burns returned to Toronto. He successively formed partnerships with Mr. Oliver Mowat and the present Chancellor of Upper Canada. These partnerships were not of long duration. He soon afterwards accepted the office of Judge of the Home District, which office he held till 1848. His urbanity as judge of that court, and *ex officio* judge of the Division Courts, will long be remembered by the many inhabitants of the present counties York, Ontario and Peel (the old Home District), with whom he in the discharge of his judicial duties came in contact.

This office he resigned in 1848, and formed a partnership with Mr. John Duggan. Mr. Burns, as before applied his mind to practice in Chancery, and was known as an able and reliable practitioner in that court. His connection with Mr. Duggan, however, was of short duration, for in 1850, upon the death of Mr. Justice Hagerman, Mr. Burns became a puisne judge of the Court of Queen's Bench, a position which he held till the day of his death.

He was twice married. On 10th February, 1835, he married Miss Anne Flora Taylor, by whom he had four sons—three of whom survive him. His first wife died in September, 1850, and for six years he remained a widower. In 1856, he married Miss Britannia Nanton. She died in 1858. He never afterwards married.

He had one brother and three sisters. The brother, who lives in St. Catharines, still survives him. One sister married the late Judge Campbell, of Niagara, and was living with Judge Burns at the time of his death. The second sister married Mr. Thomas Taylor of St. Catharines, and is still alive. The third, who also is alive, is unmarried.

Until lately, Judge Burns enjoyed good health. His habits, however, were too sedentary, and, as often happens with persons of sedentary habits, his death was sudden. He presided at the last assizes in Hamilton, and towards the end of the court was heard to complain of being unwell. He finished the business of the assizes, and returned to his house in Yorkville, near Toronto, where he remained till he died. His real complaint was dropsy, but the proximate cause of death was what is commonly termed "a breaking up of the system." His energies failed him. His health forsook him. He sank from week to week and day to day, till the near approach of death became a matter of certainty.

His death, which happened on Monday the twelfth day of last month, was on the following day announced through the columns of the Toronto daily press, to a large circle of sorrowing friends. For several days previously rumours were prevalent to the effect that he could not live, but it was hoped, in spite of adverse symptoms, that he might be spared for years to his country and his family. The hope was vain. He humbly bowed to the will of God, and surrendered up his spirit to the Author of his being. His memory will long remain fresh in the minds of the people of Upper Canada. His usefulness as a judge was as great as his popularity as a man. All respected him, and all will continue to respect his memory.

Mr. Justice Burns was a man of strong emotions. More than once have we seen him drop a tear when sitting in judgment on some fallen son or daughter of Adam. On such occasions his heart was full; his lips scarce could find utterance for the thoughts of sympathy that crowded upon him for expression. He felt what he said, and indeed felt much more than he said. We remember well when he last presided as Judge of Assize for the United Counties of York and Peel. A few days before the opening of the court, the news reached Canada of the death of the husband of our beloved Queen. The occasion was one which Mr. Burns seized as affording a subject for some remarks to the grand jury on the uncertainty of life. He spoke in manly terms about the many virtues of the deceased. He pointed out his many good qualities as a Prince, and a father of the first family in the world. He showed how much the nation was indebted to him for the virtuous manner in which he had nurtured his family. He, in heart-melting words, pointed out the bereavement which that family had sustained. When he tried to express his feelings of sympathy for our widowed Queen, his utterance was choked, and only relieved by a flood of tears, which unmistakably testified alike his loyalty to the Queen and his loyalty to our common humanity. Little did he then think that ere long he would himself be removed from this world, and his own death cause tears to gush down the cheeks of many sorrowing friends.

Judge Burns was too good natured in his dealings with his fellow men. He never could say "no" to an appeal for a favor. His beneficence exceeded his discretion. The consequence was, that in the declining years of life he was harassed with debts contracted on behalf of others. To pay them off he was economizing in every possible form, and had his life been spared a few years longer would have been free from debt and able to afford many comforts which of late he denied himself.

More than once have we had occasion to advert to the well defined veins of common sense which are to be found