

Held, also, that a plea that the said indenture was not signed by the plaintiffs, or by any agent of theirs authorised in writing, was bad.

The Municipal Council of Frontenac, &c., v. Chestnut et al. 9 U.C.B.R. Rep. 365,

## THE LAW JOURNAL.

JUNE, 1855.

"It so happens, under the system of economy which has come into use, that County Judges generally have the heaviest duties, and the shabbiest pay of any class of public servants. The professional study required to fit one for the office of County Judge, extends over ten years. Five of these, the candidate must be employed as a practising Barrister. This lengthy routine is a pre-requisite of candidatureship. But it is supposed that a County Judge shall have certificates to the appointment, of a higher kind. It is expected that his standing in the profession shall be respectable—that he shall be a sound, experienced lawyer—that his opinions shall command respect—that he shall be impervious to rudeness and loud talking—that he shall be able to travel thirty miles on foot, if need be, when his local courts cannot be reached by a conveyance. He is required, in short, to be a gentleman of high mental attainments, and to possess a physical constitution which no amount of labour can overcome. The occupants of the office have a more practical idea of what it is to labour for the country's good, than any other class of public servants. In point of remuneration, they are only placed on a level with Postmasters and Collectors at the principal ports. And all this, while they are arbiters in the course of a single year, of disputes, involving, perhaps, hundreds of thousands of pounds. It is certainly not unreasonable to suppose that the time has come when the Province can afford to remunerate public officers on a scale commensurate with the importance of their duties. Almost each successive session of Parliament, has added to the weight of the duties of the County Judges, by extending the jurisdiction of the Division Courts. And on the ground of enhanced labour, they are entitled to an increase of remuneration, were there nothing else in the circumstances of the country to justify such an increase.

The Act revising the former Civil List Act, which passed during the late session, no doubt, in part compassed the necessities of the case to which we invite attention. But the increase authorized by that Act in salaries exceeding £500, was altogether inadequate, so far as relates to County Judges. A special provision was made in behalf of the Circuit Judges of Lower Canada, and a similar provision for the County Judges in this section of the Province was certainly justified by strong considerations. The Government perhaps act prudently, in not taking precedence of public opinion in matters affecting the expenditure of the public money. But cases there are, where the public cannot be the proper judges of what is just, from non-acquaintance with the peculiar facts. In these cases, it becomes the duty of the government to take precedence of popular demands, on the presumption, that what is a simple matter of justice the public will in the end approve."

The above extract, which appeared in the *Leader* of the 19th inst., is conceived in that high-toned appreciation of what is just and right, and calculated to be of real benefit to the public, and uttered in that straightforward and independent spirit which should ever characterize an honest and useful press aiming at the accomplishment of what is sound and beneficial in principle and administration.

To the *Leader* belongs the credit of bringing prominently forward the duty of acting on a principle, of which every one is willing to make a barren recognition—Justice—but which until now has laid dormant in respect to that most useful and important class of public servants the County Judges of U.C.—While express provision is made for the better remuneration of the subordinate and superior officers of Government, the men who have equal and more work to do—need as high attainments—and whose services are really more sensibly and directly felt by the masses generally than those of any other class, and who are notwithstanding less adequately remunerated, should not be overlooked. It is unworthy of any Government to fail in doing what is right, and in the highest sense of the word politic, whether assailed by importunity or not, if justice and wisdom claim it at their hands.

The establishment of the County and Division Courts have given to Canada the inestimable benefits of cheap and speedy justice—thereby preventing litigation in fact—for where the remedy is immediate, it is useless to incur or withstand it. The importance of these Courts it were useless to illustrate. It comes home to and is felt by every man. Is it not, then, for the best interests of the people to secure their highest efficiency? Unless the duties of the office are ably discharged, is it not worse than useless? Can this, then, be expected, unless the emolument attached to the situation be sufficiently considerable to attract to and secure for it the services of leading men in the Profession? The standing in the Profession, of a man selected for a County Judge, should be more than respectable—it should be high. He should rank with the first of his brethren of the Bar. If this be not so, no suitor in these Courts can ever be certain of obtaining justice. A man's claim may be the most legal and equitable possible, and yet be defeated through the sheer incapacity of the Judge. It is but a truism to say so, but the fact cannot be too steadily kept in view, or too constantly urged on the consideration of all interested in the well-being of the country, whether rulers or ruled. It is a most grievous error to fancy that because the jurisdiction of these Courts is limited, less ability is required in the discharge of the duties belonging to them; and no man who has ever gone a circuit, or had any opportunity of seeing anything of Practice in the country, but can testify that from the very fact of much of the business being transacted by the less able members of the Profession, the difficulties which arise to be solved by the Judges are often times increased ten-fold. Young, inexperienced,—even unlearned members of the Profession, may meet the wants of the country in many cases tolerably well—not so the Judge; if he be wanting in sound learning and ability, the law is a dead letter.