the defendant, His Honor after referring to authorities saying:—

"As a general rule, I am very unwilling to interfere with the decisions of arbitrators, but their refusal to receive the evidence tendered is so clearly wrong and so contrary to the proper method of ascertaining the truth, and doing justice properly between the parties that I cannot allow the award to stand. The practice of the Courts above is in favour of this view, and natural justice points out that an award made without hearing all the evidence offered should not be permitted to stand."

In *King* v. *Davy*, the main question was one of General Law, and the Judge declined interfering with an award on the ground that the arbitrators had not decided the matter of reference fairly on the merits, no dishonesty or corruption on the part of the arbitrators being shown. Another objection was that the Clerk did not receive the award until the 2d day of June, the reference providing that the award should be made on or before the 1st day of June. Upon this point, the learned Judge was of opinion that the award was made in time;—the time limited by the order of reference was the 1st June; the award was made on May 30th, and an award is deemed published from the time of its execution. The Statute of 1853 restricts the time of making the application for setting the award aside to "within fourteen days after the entry of the award," but the award may be entered after the time limited in the order of reference for the making of it, and be a good award.

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Judges robing in the D. C. is a subject of which we often hear. No doubt every Judge is desirous to render the Courts over which he presides as useful and respectable as possible. He is appointed as a Barrister and may reasonably be expected to appear in the garb of his class. He owes it to himself,—whilst it is a decent mark of respect to the public and to the suitors in his Court. Moreover there is very much in externals, and we should be for keeping to the old land marks. This is our opinion, and it must go forth for what it is worth; every Judge will of course act as he thinks seemly. With the Judge who does not wear the gown, because it is troublesome to carry it, through bad roads, from court to court, we can sympathise; but of Judges who refuse to wear Robes because they are *above* such things, men are apt to say, they are too *purely* intellectual to need forms.

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### THE CRIMINAL LAW AMENDMENT ACT.

THE Criminal Law Amendment Act of last Session contains some provisions that meet rather severe strictures. There is a striking coincidence in the following:

"His Lordship (the Chief Justice of Upper Canada, in his address to the Grand Jury at Toronto,) alluded to the change which had been made in regard to the opening of the Court. The ordinary Commissions had been dispensed with here, although they are still retained in England, and although these Commissions had the effect of *reminding people that Justice was administered under the authority and in the name of the Sovereign*, it had been thought an improvement to dispense with them."—*Colonist*, Oct. 1855.

"We protest against doing away with the Queen's Commissions. *The Message which Her High Ministers of Justice bear about, periodically, to every part of the Province is in the mind of every British subject associated with the administration of the Criminal Law of this country*, and we see no advantage in the change."—Toronto *Leader*, 13th Oct. 1855.

In the same article, in protesting against Queen's Counsel acting as Judges of Assize, the *Leader* concludes an argument on the subject in these words:

"Above all there is this great and insurmountable objection, applying generally to Queen's Counsel acting as Judges of Assize; they may recently have *advised as Counsel* on questions which afterwards came before them as *Judges to decide*."

The practical commentary on this, is that it has actually occurred. We have seen it mentioned in a local paper, that at the last Assizes, certain cases were made remanets, "the learned gentleman who presided having been retained in them."

We trust that the 36, 37, and 38 sections of the Act may be repealed next session.

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### WANTED A SOLICITOR!

Our attention has been called to an advertisement in the *Colonist*, announcing that the Board of Directors of the Great Western Railway Company "is open to the reception of applications" for the office of Solicitor to the Company, which is as follows:—

"To Solicitors.—Notice is hereby given, that in consequence of the unexpected resignation, by Miles O'Reilly, Esq., of his important situation as Solicitor to the Great Western Railway Company, that office is become vacant.

The Board of Directors is therefore open to the reception of applications from competent candidates for the above-named valuable appointment.—Communications, addressed to the undersigned, will have particular attention from the Board; and said communications will (if so required by the applicants) be considered confidential.—By order of the Board,

ROBERT W. HARRIS.
President Great Western Railway Company.
29th October, 1855."

This advertisement was sent to us for publication, but we beg respectfully to decline it, as we cannot conceive it to be consistent with the dignity and respectability of the Profession that such a course should be adopted. Such an advertisement is quite a novelty in this country, and we believe it is without respectable precedent in England or elsewhere.

If the members of the Profession had degraded themselves by advertisements after the manner of "Moses & Co.," proffering their services "at a rate cheaper than ever," or "at next to nothing," we