

## OUR JUDGES.—DEBTOR AND CREDITOR.

## DIARY FOR JULY.

1. SUN... 5th Sunday after Trinity. Long Vacation com.
2. Mon... Co. Court and Surrog. Court Term begins. Heir [and Devisee Sittings commence.
7. Satur. County Court and Surrogate Court Term ends.
8. SUN... 6th Sunday after Trinity.
14. Satur. Last day for Judges of Co. Ct. to make return of
14. SUN... 7th Sunday after Trinity. [ap. from assessm'ts.
17. Tues... Holf and Devisee Sittings end.
22. SUN... 8th Sunday after Trinity.
23. Wed... St. James.
28. SUN... 9th Sunday after Trinity.
31. Tues... Last day for County Clerk to certify County rate [to municipalities in counties.

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## OUR JUDGES.

It is physically impossible for any man to work, work, work, from day to day without rest, cessation, or relaxation. There appears to be a sort of popular delusion that judges are different in this respect from ordinary mortals—a fast fading fallacy which appears to have had its origin in the badly read history of the overtasked but almost unexampled endurance, nearly inexhaustible vigour, and unimpeachable rectitude of a “race of giants,” who have given a character to the Canadian Bench of which the country may well be proud.

We have already spoken of this subject with reference to the Common Law judges. What is true of their position is also true of that of the judges of the Court of Chancery; and overwork there is also beginning to tell its tale, replete with injustice to the judges, inconvenience and annoyance to the profession, and great loss and injury to the public.

It is idle now to speak of the late lamented Vice-Chancellor Esten, whose life might have been prolonged if he had attended more to the preservation of his health and less to the business of his office; but it will be of more practical use to speak of those left behind him.

The Chancellor whose untiring energy and great abilities were the means of infusing new life into the Court of Chancery was forced to leave the country to recruit his shattered health. He left last autumn, and is not expected to return for some months, probably not till September. Mr. Vice-Chancellor Spragge,

to whom the name of a holiday has for many years been but a hollow mockery, has left the country on six months leave of absence. Mr. Mowat alone is left to grapple as best he may with an accumulated mass of business, which should have been worked off long ago, (and which would have been done if in the power of any two men to do it), besides such other special business as may require attention during vacation—and all this during that period of the year, which the law and the immemorial practice of the courts has set apart as *holidays*.

If the only Equity judge now left in the country should think fit to leave town for a well earned respite from work, who can or who will blame him. The system which forces men to do or attempt to do more than human beings can do, is alone worthy of blame. We do not abate one iota of what we said on this subject in May last, and desire to add that what was and is applicable to the business and judges the Courts of Common Law is quite as applicable to the business and judges of the Court of Chancery. We then and there suggested a remedy, namely, an increase in the number of the judges. Now, when Parliament is sitting, is an appropriate time again to bring the matter before the public; and though some may say that it is inexpedient to make any change “until after confederation,” few will have the hardihood to say that no change is necessary. Some thing should be done at once, confederation or no confederation. Humanity and the business of the country demand it.

Since the above was written, we notice that a Government bill has been introduced to give permission to the Chancellor, or one of the Vice-Chancellors, to appoint a Queen's Counsel to hear causes at any sittings of the Court of Chancery. This may be very useful occasionally, but it is a slipshod way of doing things. If the business of the country requires another Equity Judge, the country can surely afford to pay his salary.

## DEBTOR AND CREDITOR.

The provisions of the proposed bankruptcy amendments in England have drawn forth considerable discussion as to the advisability or non-advisability of stringent provisions for the punishment of frauds and fraudulent concealment of property by debtors. We have