

sufficient to compensate for what would be lost.

So much, then, for the probable effect of this Act as to the Superior Court Judges, and now as to the County Judges.

We do not pretend to say that the County Court Bench is all that could be desired. But we do assert that many of the judges are as efficient, as hardworking, and as learned as any members of the profession who would accept appointments as such. The really first class men at the Bar will not take a County Judgeship; the inducements are not sufficient, except, perhaps, in the County of York. Appointments, also, have been made which did not redound to the credit of the various Governments that made them. But in addition to all this, the very position of a County Judge is a trying one, and it is not every good lawyer that would make a good County Judge. And their tendency is, if anything, to deteriorate rather than to improve, as has been found to be the case even in England.*

If the special business of the Superior Courts is increased by this Act, the special business of the County Courts will be proportionately decreased. Whatever other effect that may have, it will, we fear, tend to the gradual deterioration in the learning of the County Judges, they will in fact get "rusty;" they are likely to, and doubtless many will become more and more careless and pay less regard to legal principles; decisions when any thing special does come before them will be given more and more at haphazard; practitioners will be "at sea;" the laws will be administered without uniformity, and the general legal business of the country will suffer. The growth of the evil may in some counties, owing to the strength of character of the judge, be slow, but we fear the seeds of evil have been sown.

It is proposed we believe to give to the County Judges jurisdiction in those minor criminal cases which magistrates have hitherto disposed of, to be decided by them on their Division Court circuit. Whatever might be the advantages or disadvantages of such a provision it would not compensate for what the judges will lose in the way we have pointed out.

Attrition of one mind with another of equal, or better if of greater calibre is one secret of judicial success. What the county judges have of this advantage will in a measure be

taken away by this Act. Better far to try if some scheme could not be devised to group the judges together so as to have an appeal from one judge to several and so increase the attrition.

As far as the profession are concerned, anything that is injurious to the *status* of the Judges by a reflex process operates injuriously on the profession.

The probable effects, as far as the public are concerned, have already incidentally been considered.

We do not propose at present to discuss other Acts of this Session which affect the tenure of office and dismissal of County Judges, they may possibly be disallowed by the Dominion Government as unconstitutional. But we must in conclusion protest against the absurdity of saying "the county judges are a bad lot, but we will remedy that by making them worse, though in the process we may do much harm to the country. The Superior Court judges have plenty to do, but we will remedy that by giving them more, though the effect may be to injure the public, and in the end bring things to a somewhat similar but infinitely worse position than they are at present."

Whilst feeling bound to make these observations on some of the provisions of this Act, we are, on the other hand, glad to think that some of the provisions will be beneficial to the public. The decrease in the number of Criminal Courts (we allude particularly to cities,) will be a great boon to that most long-suffering class of men who have, as jurors, to sacrifice themselves for the supposed good of their neighbours, and the expenses of criminal justice will be largely decreased. By sec. 18 of the Act suitors will have the privilege (whether this is an advantage or not is too long a subject for discussion at present,) of having their cases decided by a Judge who can decide both the law and the facts together, and this without the public being deprived of the safeguard of a trial by jury, when such a safeguard is required.

DEATH OF JUDGE DRAPER, OF KINGSTON.

We regret to announce the death of William George Draper, the eldest son of the Chief Justice of the Court of Appeal, and Judge of the County Court of the County of Frontenac, on Thursday, the 17th December last.

* See "Fallacy of Local Tribunals," ante vol. IV. p. 276.