

## JUDICIAL CHANGES.

## DIARY FOR MAY.

2. Sat. . . Articles, &c., to be left with Sec. Law Society.
10. SUN. *4th Sunday after Easter.*
13. Wed. . . Last day for service for County Court.
17. SUN. *5th Sunday after Easter.*
18. Mon. . . Easter Term begins.
21. Thurs. *Ascension Day.*
22. Frid. . . Paper Day Q.B. New Trial Day C.P.
23. Sat. . . Paper Day C.P. New Trial Day Q.B. Declare for County Court.
24. SUN. *Sunday after Ascension.* Queen's Birthday.
25. Mon. . . Paper Day Q.B. New Trial Day C.P. Last day to set down for re-hearing.
26. Tues. . . Paper Day C.P. New Trial Day Q.B.
27. Wed. . . Paper Day Q.B. New Trial Day C.P. Appeal from Chancery Cham. Last day for notice of re-hearing.
28. Thurs. Paper Day C.P.
29. Frid. . . New Trial Day Q.B.
30. Sat. . . Last day Court of Revision finally to revise Assessment Roll.
31. SUN. *Whit Sunday.*

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Easter Term opened with the profession looking forward, some with anxiety, and some with curiosity to expected judicial changes, bringing honors to the few, and disappointment to the many; and affording a fund upon which those whose business is principally composed of "other peoples business," could draw largely and descant upon wisely or foolishly as the case might be.

The rumours that have been circulated are numerous, and all hinging upon an event which, when it takes place, must bring deep sorrow to all; namely, that the Chief Justice of Upper Canada, has resigned his seat on the bench, or is about to do so. He is speaking of him as one of a class, "the last of his race," and we do not fear the ill-will of any one, when we say that there is no one to fill his seat when he leaves it. It is still, however, satisfactory to have (we hope we may say) the assurance that his dignity and learning will not thereby be lost to the country, in that he will probably be selected to preside in that Court of Appeal for the whole Dominion, which we hope soon to see established.

This removal to a more exalted position—for as such we prefer to speak of it,—would leave a vacancy that it is said will create not one, but several difficulties. The name most commonly spoken of as a possible Chief, is the

present Chancellor, an appointment that would we think give entire satisfaction to the profession. His unquestioned ability and judicial capacity point him out as a most likely man for the place, and there are reasons why he would be even more useful on the Common Law bench, than as a judge in Chancery. As a mere matter of promotion he is now next in point of precedence to the Chief Justice, though it may seem somewhat anomalous to change an Equity judge to the Common Law bench.

The principal difficulty then would seem to be, to find a suitable successor for him. Many chancery men would dislike to see such a faithful servant of the public as Mr. Spragge, passed over. But as to this, it is just as well that it should be distinctly understood, that puisne judges, either Equity or Common Law, have no claim of right to expect promotion as such. It has always been the rule in England, that the appointment of all the presiding judges in the Superior Courts is a matter wholly in the discretion of the government of the day, unfettered by pretence of right of the puisne judges to promotion, and the appointments have generally been political, or for state reasons, the selection being made from the ranks of the bar, and not from those already holding seats on the bench, the Attorney General having the right, if he pleases, to take the position himself.

It is undoubtedly true as a matter of fact, that the majority of our Chief Justices have risen step by step to that position; but that proves nothing, except that special reasons at the time rendered it advisable so to promote them, but this promotion was not by seniority; and both Mr. ex-Chancellor Blake and the present Chancellor were members of the government, immediately before they were appointed. Whatever appearance of unfairness there may be in this rule, there is, in reality, none, and it has been found to work well, both here and in England.

Looking then at those who are in political life and otherwise qualified for the office, Mr. Edward Blake's name has been mentioned in connection with the office, but we question whether it would be offered to him. His legal knowledge has proved of great use in the Legislature, and there does not appear to be any political reason, so far as we have heard, why he should be requested to shelve himself. It is even more questionable, whether he would accept the offer, even if made. His present