accruing from the protection being decayed or withdrawn, if the servant continues, but complains of the want of protection, and it is promised to him from time to time that it shall be restored, during that period the master is considered as taking upon himself the burden of the risk (*Holmes* v. *Clarke*, 6 H. & N. 349). But if the servant, knowing the machinery to be unsafe, contrary to the express command of the master, use it or otherwise interfere with it, he is without remedy if an accident occur resulting in injury to him (*Coswell* v. *Warth*, 5 El. & B. 849). So if it can be said that the servant, by his own neglect, in any manner contributed to the accident which caused the injury (*Dynes* v. *Leach*, 26 L. J. Ex. 221; *Senior* v. *Ward*, 28 L. J. Q. B. 139).

Such is the law bearing upon the question as to the liability of the master for injuries sustained by a servant while in his employment. There is some difference of opinion as to its reasonableness. There are those who contend that the servant is not sufficiently protected by it. Indeed during last session of the Imperial Legislature, a bill was introduced to extend the liability of the master, where the accident is caused by the default of a fellow-servant; where the accident is caused to the servant by default of tackle or machinery, though the master is not proved to have had knowledge of it; and where the accident is caused to the servant by the negligence of the master in not furnishing proper machinery, the servant having undertaken or continued the work with a knowledge thereof.

This bill did not become law, and if ever again introduced must meet with a strong and steady opposition from the great manufacturers of England, every one of whom is interested in maintaining the law without amendment. We do not mean to discuss the necessity for amendment; we are content at present to deal with the law as we find it.

COUNTY COURT JUDGES IN UPPER CANADA.

The *Solicitors' Journal*, after giving a long extract from our article in the *Law Journal* for August on the Impeachment of County Court Judges, proceeds as follows:—

"We are not aware what is the precise rank or what are the special functions of county court judges in Canada; but assuming that they hold the same relative rank there as they hold in England, we cannot altogether agree with the view taken by our Canadian contemporary. So far as his remarks apply to the constitution, to the style or title of this "Court of Impeachment," and to its peculiar jurisdiction and procedure, we entirely concur. Whatever offence is worthy of "impeachment" ought not to be prosecuted except pursuant to a vote of the Legislature; and in that case its prosecution should not depend upon the will or the ability, pecuniary or otherwise, of any individual. But unless Canadian county court judges be more important personages than English functionaries of the same title, there seems to be no reason why they should not be removable in like manner. In England the Lord Chancellor, or the Chancellor of the Duchy of Lancaster, within their several jurisdictions have power to remove any county court judge for either 'inability or misbehaviour.' No farce of an 'impeachment,' is required or allowed. A great and perhaps somewhat arbitrary power is intrusted to a great functionary upon the faith of its judicious exercise under the corrective influence of public opinion, and the system has not been found unsatisfactory. It appears to us that the Legislature of Upper Canada might wisely entrust to the Provincial Chancellor, if not to the Governor-General, a similar power, and that the sooner it abolishes its Court of Impeachment the better it will be for its own reputation and for that of its judiciary.

Our cotemporary is wrong in the assumption that our county court judges rank no higher than county court judges in England. They are, we beg to say, "much more important personages than English functionaries of the same title." Our county courts are courts of record, having the like practice and mode of procedure as the Superior Courts and are inferior to the Superior Courts of Common Law only in amount of jurisdiction. They have jurisdiction in all personal actions (excepting libel, slander, criminal conversation and seduction) where the debt or damages claimed do not exceed $200 (£50) and in all cases relating to debt, covenant, and contract, where the amount is liquidated or ascertained by the act of the parties or by the signature of the defendant to $400 (£100). In point of territorial jurisdiction, our county courts have authority throughout the whole of Upper Canada quite as much as the Superior Courts. Besides, the judges hold office during good behaviour in like manner as do the judges of the Superior Courts.

These are our reasons for treating an erring county court judge, if any such, with more consideration than a defaulting bank clerk or wayward errand-boy.

FEES TO PUBLIC OFFICERS.

Shortly after the article on this subject, which appeared in the last number of the *Law Journal*, was written, *Ex parte Poussett and the Corporation of the County of Lambton* was decided in the Queen's Bench. The case is not reported. A note of it appears in the proper place in this number. The court held that it is the duty of county corporations to pay, in the first instance, all accounts for fees properly payable to officers concerned in the administration of justice, and afterwards to look to the Government to be reimbursed. The court also held that such accounts must be audited by the magistrates in sessions before payment can be exacted. The decision is of much interest not only to the public officers concerned but to county councils.