

we may expect in future the rule will be in cases where the Court finds the damages in an action of tort are excessive, that a new trial will be granted *ex debito justitiæ*, unless both parties consent to a reduction of damages.

---

A paper was read at the last meeting of the New York Bar Association on the influence of the Bar in the selection of judges. Much that was said on that occasion has no application here as the system of appointment is entirely different, but the germ thought is applicable; and what the writer says in the following words is worthy of consideration in Canada: "It is generally agreed by the lawyers throughout the country that the Bar should and can exercise an influence in the selection of judges, and that it does not exercise as much influence as it could or should." And again: "Lawyers and Bar Associations should therefore plan to work through the recognized political channels and there is no doubt that they can there influence the nomination of fit men for the Bench. Political leaders are well aware of the importance of keeping in touch with the public sentiment, and dread defeat, as their continuance in power depends upon success, and if they can be made to feel the influence of the Bar in defeating their incompetent favourites they will not force them on the tickets, but will make the best compromise they can. Lawyers need only unite and stand firm on such a platform."

The remarks lastly quoted have, of course, special reference to an elective system; but they give food for reflection, even where judicial appointments are in the gift of the Government. The taking of this patronage out of the political arena would, it is submitted, be for the benefit of the public; and therefore consideration might well be given to the thought above embodied. We should be glad to have suggestions on the subject from any of our readers. A cognate subject is the appointment of King's Counsel. This also should not be, as it is now, purely a matter of politics. The Governments of the Dominion and of Ontario are both so strong that they could well afford to deal with these matters on their merits rather than continue in the old miry path of political patronage.