

Correspondence.

THE COUNTY JUDGES AND THEIR LAW.

To the Editor of THE CANADA LAW JOURNAL :

SIR,—In a late number of THE LAW JOURNAL there appeared a *jeu d'esprit* of one of our worthy Chief Justices, who, in commenting on the statute that enables County Judges to act in other counties than their own, remarked that it was rather hard for the people of one county to have a judge coming in among them "whose law they did not understand."

The learned Chief, who rather enjoys a combat, was just then having a tilt at the Attorney-General and his Counties' Grouping Act, and was hitting at him over the backs of the County Judges.

There was some excuse formerly for a diversity in the decisions of the County judges. They had two masters to serve, and high authority tells us it is very difficult in such cases to please both. Their judgments could be carried on appeal either to the Courts of Queen's Bench or Common Pleas, at the option of the appellant; and as these courts sometimes interpreted the same law differently, the poor County Judges had a pretty hard time of it. In fact the two superior courts did not, at all times, appear to understand the law of each other.

For example, the County Judge of York decided that an execution put in the sheriff's hands prior to the registration of a bill of sale would cut out the bill of sale, though the latter were registered within the five days after it was executed. This decision was appealed to the Court of Queen's Bench, which reversed it, holding that the bill of sale took precedence. The same question again arose on precisely the same facts, and the County Judge, following the judgment of the Queen's Bench, held that the bill of sale took priority over the execution. His judgment was thereupon appealed to the Common Pleas, and the appeal was allowed, that Court deciding that the execution had priority, and holding, in effect, that the Court of Queen's Bench did not understand the law. See *Feehan v. Bank of Toronto*, 19 U.C.R., 474, and *Feehan v. Bank of Toronto*, 10 C.P., 32.

Thus whichever way the County Judge decided, his decision could be reversed by one of these courts, and no appeal lay from their decisions on county court appeals. At length the Legislature, by the Act 26 Vict., c. 46, broke the deadlock, and decided which of these courts understood the law, and which did not.

The County Judges have had a better time since the appeal from their judgments has been taken from the Queen's Bench and Common Pleas, and given to the Court of Appeal. Now, when the judges of the latter court reverse the judgment of a County Judge, as they sometimes do, he can comfort himself with the reflection that they also occasionally upset even the decisions of our worthy Chief Justice, when they cannot understand *his* law.

AMICUS CURIÆ.

[*Habet!*—"One for the County Judge."—"The retort courteous."—"Honors are easy."—F.D. L. J.]