

an officer trying a mechanic's lien action, to decide a matter with any certainty that the decision of a Divisional Court or even of a higher court, upon which his judgment is based, will be followed, in case an appeal is taken from him. If it is necessary that there should be further legislation to prevent the continuance of this anomaly, the sooner it is introduced and enacted the better.

For an interesting discussion of the doctrine of stare decisis, see the judgment of Mr. Justice Anglin, in the case of *Stuart v. Bank of Montreal*, 41 S.C.R., at p. 536. See also a previous article by the writer in vol. 22 Canada Law Times, p. 419, on the lack of judicial agreement as to the meaning of the words "ascertained by the act of the parties" in the County Courts Act, which words have now been fortunately eliminated from the statute.

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#### A DISGRACE TO THE BENCH.

It would be difficult to find in judicial annals anything to equal the incident which appears in the public press in reference to a judge of the Northern Judicial Circuit, of the State of Georgia. Two negroes were accused of assaulting a woman. It was necessary to send them to an adjoining county for trial. The authorities told the judge who gave the order for their transmission, that they would be lynched on the way, if they were not guarded by troops; and he was asked to order an escort for them. This he refused to do and the men were lynched accordingly. The reason given by this disgrace to the Bench was thus expressed: "I do not propose to be the engine of sacrificing any white man's life for all the negro rapists in the country. (They were not yet tried and therefore still technically innocent.) I would not imperil the life of one white man to save the life of a hundred negro criminals. If I called out the military, and some young man among them was killed, I would never forgive myself. The clods falling on the grave of such a one would ring