

paragement of the bar, the well-known truth, nevertheless is, that the men who, in better times, have done most to create and mould our political institutions and control the social forces of the country, have belonged to the profession of the law. If you, gentlemen of the bar, can constantly live up to the highest and noblest traditions of professional life; if you can keep ever fresh and bright the sentiment which doubtless now animates you, that the true ambition of the lawyer is not the acquisition of wealth, but of that pure professional fame which is to be won by the exercise of your high vocation in a spirit of the most punctilious honour, and with an ever present consciousness that you, as well as the court, are ministers at the altar of Justice; and if the various judicial tribunals of this state shall so perform their duties as to command the confidence and support of such a bar, shall be so clear in their high office that not even a disappointed litigant can venture to charge them with unholy motives—then the judiciary and the bar standing together, will, in the future, as in the past, furnish a sure protection against wrong, and keep alive in the hearts of all good men the hope that our downward tendencies as a people may be stayed, and that we may get back upon those ancient ways wherein we walked in the better days of the republic."

Now considering that these are the words of an American, they are very remarkable, and bespeak the Chief Justice to be not only manly, independent and free from servility to popular clamour, but as having a high sense of what the bench and the bar owe to their country and themselves. But at the same time, the words show that corrupting influences have gone so far that he feels it to be not merely idle, but wrong and unpatriotic to pretend to gloss over their results.

Men, who, like Chief Justice Lawrence, would courageously dare in the face of an excitable nation, whose national self appreciation amounts to a mania, and on a public occasion to state their convictions of the corruptions, social, political and judicial, existing in their country, might well be looked upon as the saviours of their country. The words are also weighty with caution to those who blindly admire the external glitter of that state of things which is above pourtrayed.

We have seen* what such periodicals as the *American Law Review* have said of the gross corruptions in the judiciary, in some of the States. Unless there are sufficient of those

who act up to the sentiments of Chief Justice Lawrence, it may well be feared that when he trusts to the judiciary to help to save the country, he leans upon a broken reed.

We are sorry to notice the death, on the 30th ultimo, of Mr. Prince, Judge of the Algoma District, better known to the public as Colonel Prince. We shall refer to the subject again.

A correspondent of the *Albany Law Journal*, writing from England, gives a flowery description of the proceedings at an assize town, before and at the opening of the court, and describes the old-fashioned ceremonies and curious attire of the judge and officials engaged, and the interest manifested by the public in the proceedings. He concludes thus: "A fellow-traveller said, 'An American judge could not be hired to go through that exhibition.'" Possibly not. But it would appear, if American writers are to be believed, that American judges can be "hired" to do things which would make the ears of the meanest tipstaff in an English court of justice to tingle.

SELECTIONS.

MUNICIPAL AID TO RAILWAYS.

The question of the power of towns, counties, and other subordinate municipal corporations to issue bonds, or otherwise pledge their credit in aid of the erection of railroads and other like enterprises, has been much mooted of late years. The tendency of the courts has been generally to sustain the legality and binding obligation of such action, but the late decision of the Supreme Court of Michigan, in *The People ex rel. The Detroit and Howell R. R. Co. v. The Township Board of Salem*, published in the August number of the Register, goes to the full extent of holding such subscriptions to be wholly void. The opinion delivered by COOLEY, J., is elaborate, learned, and exhaustive, and is highly approved in editorial notes attached to the opinion as there published.

With the utmost deference and respect for the ability and experience thus arrayed upon that side of the question, we yet are constrained to differ in opinion, and submit the following suggestions upon the other side.

The point of the decision made is that a railroad is not a *public* highway in the same sense as a common road, but is a private enterprise or institution, intended "primarily to benefit a private corporation," though having also the effect to add to the value of lands in adjacent localities; and that, consequently, no tax can

* Ante Vol. IV, p. 301.