

CURIOSITIES OF LAW—THE OFFICE OF COUNTY JUDGE IN ONTARIO.

theretofore," so that the right by prescription appears to be well founded.

However, this custom does not merit the fine commendation that we can bestow upon a like observance as perpetuated in the borough of Chippenham, Wilts. The Record Commissioners, some years ago, issued circular questions to the municipal corporations of England and Wales requesting various items of information. Among such questions was the following:—"Do any remarkable customs prevail, or have any remarkable customs prevailed within memory, in relation to the ceremonies accompanying the choice of corporate officers, annual processions, feasts, &c., not noticed in the printed histories or accounts of your borough? Describe them, if there be such." Whereunto the response came from the borough of Chippenham: "The Corporation dine together twice-a-year, and pay for it themselves!" *Report of Record Commissioners*: 1837, p. 442.

The Jersey jurists claim that Her Majesty's treasury has hitherto defrayed the expense of these judicial revels, and that such liability is by prescription eternal. However, the officer of the Treasury for the last few years has refused to pay, and the landlady of the Royal Yacht Club Hotel commenced her suit for £95 11s., the cost of six dinners, against the Attorney General of the island, the Viscount or Sheriff, and the Queen's Receiver. The ten judges who sat upon the case, being the recipients of the dinners in question, had no difficulty in finding that the defendants were liable for the amount, with costs of suit. The Crown could adduce no evidence of a time when these dinners had not been furnished forth as manifested by the records of the Court, and prescriptive right triumphed. The Attorney General of the Island has appealed to the Privy Council, where this new doctrine of prescription will be fully discussed.

We are able to recall but one authority which the Jersey Bench can possibly cite on the question of prescription, and that will unfortunately make against them. It is to be found in an *Anonymus* case reported in 2 Leon. R. p. 12, which was an action on the case under the statute of Winton (13 Eliz. I. of Winchester), making the men of the Hundred liable to make reparation for a robbery committed within their bounds. And in the course of the case, Manwood, Justice, said: "When I was servant (*serviens ad legem*), to Sir James Hales, one of the Justices of the Common Pleas, one of his servants was robbed at Gadd's Hill within the hundred of Gravesend in Kent, and he sued the men of the hundred upon this statute; and it seemed hard to the inhabitants there that they should answer for the robberies done at Gadd's Hill, because robberies are there so frequent, that if they should answer for all of them they should be utterly undone. And Harris, Serjeant, was of council with the inhabitants of Gravesend and pleaded for them that *time out of mind, &c., Felons had used to rob at Gadd's Hill and so prescribed*; and afterwards, by award, they were charged."

THE OFFICE OF COUNTY JUDGE IN ONTARIO.

By His Honour JAMES ROBERT GOWAN, *Chairman of the Board of County Judges.*

The office of County Judge in Ontario is one peculiar to this Province, and of great importance—whether regarded in respect to the extended and varied range of subject, or the large powers given to be exercised by the judge, for the most part in a summary manner, and without appeal. The duties of the Local Judge in Upper Canada, at first confined to a single court of civil, and very limited jurisdiction, have been gradually extended by Legislative enactments, so that the