

dence showed Aird to be the principal, and he was therefore responsible for the consequences.

Counsel thought his Worship could dispose of it, as it was only a common assault; he quoted the late assault cases tried in the City Assize Court—a most unfortunate reference.

His Worship said the action of the juries last week in the assault cases, was no rule to go by. These brutal assaults were becoming entirely too numerous of late. He referred to the decided opinions of Judge Hagarty in addressing a jury last week, who, in the case of a peaceable man being dangerously wounded by a loaded stick in the hands of a drunkard, returned a verdict of common assault. He would not like to have been on that jury when his Lordship said—'Thank God, gentlemen, the responsibility of that verdict rests upon you, and not with me.' The action of juries, and especially of such juries, was no guide.

Counsel then asked if bail would be taken.

His Worship said he could not take bail when the evidence was so clear. He would send the evidence over to the County Attorney, where he might succeed in getting an order for bail."

The reference of the counsel for the prisoner to the case at the Assizes was certainly "most unfortunate," and not, by the way, an evidence of very great tact on his part, and it was met as it deserved; and, so far as judges and magistrates are concerned, we may be pretty safe that *they* will not, be guided by what mistaken or stupid jurymen may do. But the evil to be dreaded is of a more serious character, and one likely to spread amongst the masses:—habituating their minds to violence of this kind, and leading them to imagine that the law looks upon depriving a man of the use of his limbs, or members, or destroying his health, as an offence on a par with merely shaking a fist in another's face, or committing a petty larceny; and if this idea once becomes prevalent who can tell what will be the end thereof.

The words put in the mouth of a philosophic detective by a clever novelist, a lawyer, are so apropos, that we may be excused in quoting them. In speaking to a forger he said: "You may smash a man's skull in, so as you don't quite kill him, for twelve months (and for much less since this book was written), but if you forges his name you catches it hot." It has been said that the only way to bring a railway company to a sense of its duties, in protecting the lives and limbs of their passengers, is by the occasional immolation of one of the directors. Perhaps a somewhat similar

mode of cure might be beneficial in arresting the malady which occasionally afflicts judges and juries in the matter alluded to.

The evil however is too serious for jesting, and requires that the public should be impressed with a sense of the injurious results arising from the frequent failure of justice in cases where not only personal injuries of a serious nature have been inflicted, but life itself endangered by the hand of some ruffian, whose only punishment is often the mere infliction of a small fine or a temporary imprisonment.

We trust that the remarks of the learned judge, who has thus by his timely and forcible remarks drawn attention to the evil alluded to, will not be thrown away upon those for whom they were intended, and that those whose duty it may be to adjudicate upon crimes of this nature will in future do so with a full appreciation of the right of personal security, one of those rights which are, as Blackstone proudly says, "in a peculiar and emphatical manner the rights of the people of England."

THE GOWN IN THE DIVISION COURTS.

We subjoin some extracts from an article in the December number of the *County Courts Chronicle*, the organ of these Courts in England. The views expressed are in complete accord with our own, and we have more than once brought the subject before our readers.

A great many years ago we heard one of the oldest County Judges in Upper Canada, say, that when he first entered on his duties, he asked the opinion of the late Chief Justice of Upper Canada, as to whether it would be proper to wear the gown, sitting in the Division Courts. The Chief Justice's reply was to this effect, "Yes by all means—as a barrister you received your appointment as County Court Judge, and as County Court Judge you are *ex officio* Judge in the Division Court." And we have always thought that a judge was as much bound to wear it in the one Court as in the other.

If on no other ground, a mark of respect to those who attend the Courts should not be omitted in the inferior Courts, because the class of suitors are, it may be, humbler, or the matter to be adjudicated upon, less in amount in the Division Court than the County Court. It is, as it were, saying, "It is all very well to take the trouble of dressing appropriately and