

trate, judge, or practitioner, will derive much benefit from a careful study of the premises set out, for on them he can form a sensible conclusion, even should that conclusion be at variance with that of the learned commentator.

We regret to see that Judge Sinclair falls foul of another learned commentator—the late R. A. Harrison, C.J.Q.B., and alleges that that learned commentator has overlooked in his commentaries certain legal decisions. He has not spoken unkindly of the late Chief Justice, nor do we now speak unkindly of Judge Sinclair when we say that in dealing with the competency of witnesses under this and amending acts he has lost sight altogether of the Canada Temperance Act, R.S.C., c. 106, s. 114; the amending Act of 57 Vict., c. 34, s. 13, which have made the defendants in liquor cases, and their wives, competent but not compellable witnesses.

Regina v. Roddy and other cases in our own courts, and latterly a recent decision of Judge Rose, *Regina v. Hart*, have decided that liquor cases are *quasi* criminal, and that the Ontario Evidence Act does not apply. The Ontario Legislature having no power to deal with evidence in criminal cases, it was necessary that Dominion legislation should be invoked to give to the defendant and his wife the privilege of giving evidence. The first-named act made them *competent* and *compellable* witnesses, while the latter act struck out the words *and compellable*, and yet reserved their competency should they choose to give evidence.

Those who are prepared to draw conclusions for themselves without becoming *case* lawyers will find the work of great use, as it meets to a certain extent an *obiter dictum* of the late Sir William Buell Richards—it would take a lawyer all his time to watch the vagaries of the Ontario Legislature so that he could give an intelligent opinion, and such care should not be expected from a judge unless the special provisions of the statutes are clearly placed before him.

Correspondence.

APPOINTMENT OF COUNTY JUDGES.

To the Editor of THE CANADA LAW JOURNAL:

SIR,—“Lex” enquires in your last issue if it would “not be better to appoint County Court judges outside of the local bar”—who can doubt that it would?

It has always seemed to the writer that appointments from the local bar were most objectionable, and that only the necessities of politics, which can justify almost anything, have upheld them. Every one will admit that those appointed to administer justice should bring to the position minds as far as possible unbiased by fear, favor, or affection—by interest, enmity, or prejudice. How can the local practitioner when appointed do this? In nine cases out of ten he is a politician who thus receives his reward. We all know the rancor of