hope, a want of confidence in our judges. Our Judges are as fully competent as Judges in England to decide questions of fact. But whether or not the judges of our Superior Courts are certainly as competent as the Judges of County Courts. The Legislature having granted the right to the latter cannot with any appearance of consistency withhold it from the former. It may be that the Legislature is influenced in making the distinction by a desire to save the Judges of the Superior Courts from an unusual and not very pleasant responsibility. If this be the motive let the right of a suitor to ask for trial by the Judge be given us with limitations. In England such a trial cannot be had unless the Court, upon a rule to show cause, or a Judge on a summons in their or his discretion see fit to allow the trial. To this extent at least the English system might be safely adopted.

The Judges of the Court of Chancery in Upper Canada often without the aid of a jury determine questions of fact. Can it be said that the interests involved in Chancery are of less magnitude than those involved in actions at law? The fact is the reverse, and that it is so is universally known. Now that the power exists in Chancery, and the power and the right of the suitor exists in the Division Courts, the withholding it from Courts of Common Law of Superior Jurisdiction is an anomaly as tiresome to the bar as it is injurious to the suiter—as strange in practice as it is indefensible in principle.

MUNICIPAL LAWS—DISSOLUTION OF UNIONS—EFFECT ON COUNTY OFFICERS.

In 1849 the division of Upper Canada into Districts for judicial and other purposes was abolished (12 Vic., cap. 78, sec. 2).

In lieu of the division by Districts that of Counties was established. All officers and offices at the time of the passing of the Act appertaining to Districts were declared to appertain to Counties (sec. 3). Justices of the peace and other persons holding commission or office in the Districts were by the operation of the Act transferred to the Counties substituted for the Districts (sec. 37). Certain Counties not having the requisite population were for judicial and municipal purposes united (sec. 5); subject at a future time when having the requisite population to be disunited (sec. 10, et seq.). In every union of Counties the County in which the Court House and Gaol—formerly the District Court House and Gaol were situate, was declared to be the "senior County," and the other County or Counties when more than one the "junior County" or "Counties" (sec. 9). Upon the dissolution of a Union between Counties in the manner prescribed by the Act, none of the Courts or officers of the senior County as such have any jurisdiction or authority whatsoever in or over the County disunited, when a junior County (sec. 18).

This is the law, and as far as it goes is clear and satisfactory. The appointment of a staff of officials judicial and municipal for the County or Counties disunited is intended. But suppose a judicial officer, commissioner for taking affidavits for instance, appointed for a District or Union of Counties, upon a dissolution of the Union found to reside in the County disunited, is his commission thereby revoked? The question is one of very great importance, and as we shall proceed to show, owing to a conflict of authority is not yet settled.

The difficulty arises because of an omission in the Statute to enact that Justices of the peace and other persons holding any commission or office residing within the County or Counties disunited at the time of the separation shall *continue* to hold the commission, office or authority within the County or Counties disunited, *i. e.* junior County or Counties notwithstanding the separation. It may be that this is what the Legislature meant when passing 12 Vic., cap. 78, but is not what the legislature has expressed.

In the Act forming the County of Prince Edward into a separate District, (1 Wm. IV., cap 6,) passed in 1831, there was the necessary provision in these words,—"His Majesty's Justices of the peace and other persons holding any commission or office, or bearing lawful authority, and who shall be *residing* within the said County of Prince Edward at the time the same shall be declared and named, a separate District as aforesaid, shall continue to hold, enjoy and exercise the like commission, office, authority, power and jurisdiction within that District in the same manner that they previously held enjoyed and exercised within the Midland District" (sec. 5).

The continuance of the power was it will be observed made to rest upon the residence of the party within the County at the time of its separation. So it was held that a commissioner for taking affidavits appointed for the Midland District, resident within the County of Addington part of the Midland District at the time of the separation of Prince Edward, though entitled to administer affidavits for Frontenac, Lennox and Addington, the remainder of the District had no right to do so for the County of Prince Edward (McWhirter v. Corbett et al, 4 U. C. C. P. 203).

When, however, it was afterwards argued that the effect of 12 Vic., cap 78, is the same as that of 1 Wm. IV. cap. 6, the argument did not succeed. The facts as reported are, that on 7th August 1843, a commission for taking bail in and for the Gore District of which the County of Brant formed a part was granted to one George McCartney. The Gore District was divided into several Counties, of which Brant afterwards by separation became a distinct munici-