

in one county, may be quite a different thing in another. Perfect uniformity cannot be expected. There is no common available centre to which the judges can look for authority to guide them, either in matters of practice or in the innumerable critical and often complicated cases which are brought before them.

Then, again, a County Court judge is going the same round every two months for a number of years, without any change. He becomes familiar to and with every man, and knows something of his affairs. The people also become acquainted with the judge, his peculiarities, and perhaps his weaknesses (and who is without both?) May it not therefore sometimes happen that the scale of justice unintentionally will fall to the wrong side? Ideas may take root in the mind of a judge (as they often do in the minds of other men), which may lead him, in spite of the exercise of the most anxious wish to arrive at a right conclusion, to render a wrong judgment. No man in any situation has more responsible duties to discharge than the judge of a Division Court. He is often called upon to decide at a moment questions of law and equity of the most abstruse and complicated character; and if he should take time to look into the particular case more at leisure than can be done at the sittings of the court, even then he has to work out the problem as he best can, by the single aid of his own reason and judgment. What an advantage has the judge of the superior courts, who in such cases is assisted by learned counsel, enlightened by the arguments and guided by the wisdom of the great jurists of ancient and modern times, and in the end consultation with minds constantly running in the grooves of legal science!

I fear the present system, which was intended to bring, as it were, justice to every man's door, has a tendency to change the law and the study of it from being an interesting science to be nothing more than such notions of right and wrong as may be adopted by each separate county judge in the Province, and that in a few years such names as Coke and Blackstone will be unknown to the profession in Upper Canada, without the limits of the city of Toronto.

The chief business of the country is now done in the local courts; and as it is of great importance that these tribunals should be brought to as high a degree of usefulness as possible, I would venture to suggest some alterations, which my experience has led me to think might be an improvement in our system.

I would enable a County Court judge to preside at the sittings of County Courts, Quarter Sessions and Division Courts in other counties as well as in his own. I see no reason why he might not do as the judges of the Queen's Bench, Common Pleas and Chancery do, leaving his notes for the use of the resident judge, to direct him in subsequent proceedings. Thus practitioners and others would have an opportunity to form their opinions of the relative merits of the judges, and the judge himself would be relieved from trying cases in which perhaps he may have incidentally expressed an opinion, or have been in some way mixed up with the matters in dispute; for indeed I have heard of a case of interpleader where one of the parties held the property in dispute under an

assignment as trustee for the judge who was to decide the question at issue! Besides, we know that men who are long accustomed to preside without change upon the same bench, addressing the same juries, hearing and heard by the same lawyers, is very prone to become indifferent, and fails to observe that self-restraint, and that cool and proper bearing, which are so necessary to command the respect so essential to his office. I think if the judges were enabled to exchange duties with each other according to convenience, we should all retain a higher interest in our duties, and keep better "posted up," as the saying is, in our work. If the system of deciding questions in term was in some way altered, so that three or five judges should hear and decide the question raised, expenses of appeals might in some cases be avoided; for it does seem rather an anomaly that the same man who rules at the sittings should again in term be asked to set himself right. I am also of opinion that some facilities of appeal from Division Court decisions should be introduced, when the amount is over £10 or £12.

All I have said is merely the result of a retrospective glance over the twenty-two years which have this day expired since I was sent into this, until very lately, unknown region, in which I have toiled uninterruptedly (except for a period of five months many years ago).

At the risk of being too troublesome to you, I would suggest, in conclusion, that great advantages might arise, if all the County Court judges were to be drawn together—say at Toronto—for a day or two, in order to compare notes, and see if any alteration or amendments could be introduced into our system. I am sure the Legislature would gladly avail themselves of the experience of so large a number of men who have spent their years in studying and trying to work out the laws as they exist.

I am your very obedient servant,

G. ARMSTRONG.

[We insert the foregoing with much pleasure. The January number was in press when it came to hand, or it would have appeared last month.]

We are amongst those who think that defects, which have been from time to time pointed out in pages of this journal, are not altogether to be charged to the system, but are to some extent to be traced to a faulty administration. One of our leading articles of last month is *apropos* to the subject. There are several grades of "repeaters," we fear, and not a few to whom the phrase "not posted up" would apply. While we have endeavored to do the "posting up" by opening our columns to correspondence, and exchange of views by answers to correspondents, and preparing articles on subjects of interest, with a measure of success, yet there has not been that hearty co-operation from officials which we had every right to expect. Even the money due for subscriptions—a large part of which is now money out of pocket—has been in arrear for years, and our accounts now show over six thousand dollars of arrearages.

Notwithstanding these discouragements, we have steadily persevered, and will continue to do so. Judge Armstrong's letter shows that he at all events is not insensible to the