

A FEW REMARKS FOR THE CONSIDERATION OF LEGISLATORS.

A JUDGE should be like Cæsar's Wife not only virtuous but unsuspected.

He should be independant of the Crown, or of any local influence, as well as independant in his circumstances; that he may as Napoleon said "afford to be honest."

If he be not virtuous, the people can place no confidence in his rectitude. If he be poor, he may be open to suspicion of bribery.

If he be not learned in the law, there can be no confidence in his decisions. If he possess no talents, he may be led by the sophistry of Counsel.

The money for the administration of Justice is raised alike from the poor and the rich.

Large sums are paid, and properly so, out of the public purse for salaries to the Judges of the Superior Courts to try the causes of the wealthy.

By what rule of right is it, that the poor man is compelled to pay a tax, before his claim for a few shillings can be decided on.

To see that justice is properly administered, is the first duty, of the Government. The Judge to whom his duty is assigned should not be considered as a mere hireling paid at a certain rate per day, or at so much for each decision—he should be rendered independant in circumstances and have no fears of being subjected to distress in his declining years. He is thus enabled to bestow the energies of his mind in the performance of his judicial duties only, instead of striving to acquire wealth.

If the wealthy suitor has a right to have his claim of £100 decided according to law, has not the poor man whose demand is only £10 the same privilege?

Can the law be rightly or duly administered without employing competent persons? Can this be done without providing sufficient remuneration. If the Judges of the superior courts are well paid, why should not those of the inferior courts, have, at least, a competence.

If the Judge of the superior Courts hold two Circuits in the year in moderate weather, have good roads, good accommodations and comfortable Court Houses in which to hold their sittings, and besides a salary of a £1000 a year with £25 for each district as travelling expenses: why should the District Judge, who makes six circuits in the year liable to every discomfort of bad inns, bad weather, bad roads, and miserable Court rooms be compelled to put up with a salary inadequate to the support of himself and family?

The Judge of the District Court undergoes more bodily fatigue and has quite as much mental labour—but he has no person to relieve him in case of sickness, to

advise with or share the responsibility in cases of difficulty.

The weight of the civil as well as the criminal business of the District is upon his shoulders.

If the Judge of the superior Court is properly provided with a retiring pension, what reason can be urged against a District Judge having the same right?—The duties required of him could not be performed by an aged & infirm man, he is frequently, and in some Districts always compelled to go his circuit on horseback. His exposure is sure to bring down sooner or later, disease or premature decay; his frequent absense not only destroys his domestic comfort, but his private practice is ruined, & while in vigour he is worked hard upon a miserable pittance, out of which he can save nothing, in old age or as soon as his strength has been destroyed by his labours, he is left to starve.

A person fit to discharge the duty of a Judge, would in any District of the Province command a practice worth £500 a year, and yet some of the Judges are only paid £150. No Judge can go his circuit under 6 days, and most of them would require ten. Taking the least number, it would make thirty six days in the year, that he must be absent from his home at a pound a day. He must also keep a horse which at £20 a year makes rather a fearful reduction of his pittance.

Be it remembered, however, that he has besides these six circuits, to hold four terms of the District Court, of six days each, and four sittings of from six to ten days each for the trial of issues, civil and criminal. He has also to hold a special session of one day in each month, besides all the duty imposed by the Bankrupt Court, where sittings are at present not unfrequent. He has not therefore, much time for recreation; neither can he be absent from his District for more than a week.

The District Judge is cut off from all hopes of professional promotion—he can not vote or sit in either branch of the Legislature, his duty forbids his seeking popularity or interfering in politics and he can only pursue the even tenor of his way, without any hope of even a Silk Gown, much less the situation of Solicitor or Attorney General; the only stepping stone to a seat in the Queen's Bench.

It is quite certain that, it would add more to the pure administration of justice were the District Judges prevented from practicing. The opinion of Judges could never in that case be obtained in private, & they would have less intercourse with the population, be less acquainted with individuals, and less likely to have any prejudices.

x an expense of the least of