

of time than a fortnight, and that when procured sufficient time should be granted to allow the subject under consideration to be disposed of without the necessity of another appointment.

Your committee find that as the business of the Court is increasing, and as a very large portion of the arrears of business before decree has just been disposed of by the delivery of upwards of sixty judgments, there will shortly be so great an addition to the number of references to the Master, that no appointment will be procurable under three or even four months.

Your committee find that one Master possessing only ordinary ability could not dispose of the business which now properly appertains to his office, meaning by this as well the business now actually transacted by the present Master as that disposed of for him by the Judges and Registrar; and that additional or substituted machinery is absolutely necessary to relieve the Master's office of the continued and increasing pressure of the business peculiar to it.

Your committee would further observe, that some portion of the present arrearage in the Master's office would not have occurred had the Master entrusted his clerk with the taxation of ordinary Bills of Costs and the taking of accounts involving mere matter of calculation.

Your Committee would further beg leave to report that the length of time which elapses between the commencement and final determination of chancery suits, and which is so injurious to suitors and annoying to practitioners of the Court is to a great extent caused by the circumstances in this Report alluded to, and that the profession at large without a single exception known to your committee, however diverse may be their opinions as to the best remedy for the evil, is unanimous in attributing this delay to the Master's office, and that whatever exertion may be made on the part of the Judges and the Bar in the prosecution of suits to Decree, such Decrees are often rendered migratory by the delay occurring in the proceedings on references under them, which references instead of being closed in a few weeks as they ought to be, are prolonged for at least as many months and in some instances for years.

Your committee would therefore suggest, that under these circumstances, and with the view of providing a remedy to meet them, the Governor in Council should be respectfully memorialized to take this subject into his consideration.

And your committee would submit the adoption of one of the following modes, without prejudice however to the adoption of any other mode which may hereafter be better adopted to diminish the evil complained of:—

First.—They would recommend that an additional Master should be appointed, and that the Master's clerk should be entrusted with the taxation of costs and the disposal of references which entail only matters of calculation: or,

Secondly.—A new Master might be appointed, but he should be a person of high ability, and of such legal training and qualification, as would enable him to discharge with efficiency as well the judicial as the ministerial functions of his office, and should be assisted by his clerk as above mentioned: or,

Thirdly.—A Jurisdiction might be conferred on the Court to empower it to order references to referees either selected by the parties litigant or by the Court, and giving to such referees and their proceedings the same power and effect as if the reference had been to the regular Masters of the Court.

All of which is respectfully submitted.

(Signed,)

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THE COUNTY JUDGES AS SERVANTS OF ALL WORK.

The County Judges we have said over and over again, are most convenient functionaries. Whenever a bill is before the Legislative, giving something new to be done, and it is not thought wise to risk the measure by causing any cost to the Country, the anxious statesman, puzzled to know how he can have work done without cost, finds relief in the happy suggestion, "Let the County Judge do the needful." If any measure is brought forward, requiring safe and intelligent local administration, the thought of appointing and paying men for the purpose never presents itself.—The local Judges are pounced upon, and the local Judges are required to do the work. Whether it be a referee to examine a party, or to adjust an account—an auditor to examine public accounts—a parliamentary commissioner to take evidence in a controverted Election, or a medium through whom to obtain land for a railroad that is needed—the work is handed over to the County Judge.

All this is very well within proper limits, and we quite approve of making public servants do a good day's work for a fair day's pay, but if more work is given than can be well performed, some portion will be neglected, or the whole will be imperfectly done. Now, we venture to say, that there are few County Judges who are not fully and constantly employed with their legitimate duties. By legitimate duties we mean the business of the County Courts, the Division Courts, Courts of Quarter Sessions, and Insolvency Courts, together with other local business of a judicial character, and matters referred to them from the Superior Courts. Much of this duty requires to be performed away from home, and involves an absence of many months in the year. No one of course supposes that the whole of a Judge's work is confined to his labors in Court; those in his library, if less trying, are not less arduous, and take up much of his time. A Judge is appointed to perform all the duties already annexed to his office, but we admit there is a tacit understanding that he will perform any additional duties of a judicial character, which the Legislature may, from time to time, impose upon him. But there is certainly no undertaking or liability to perform business of a non-judicial character. This should be kept in mind by the Legislature when imposing new duties on the County Judges, as should also their ability to perform additional work of a legitimate kind. If they be over-burthened with business, the suitors who have certainly the first claim, will be the sufferers, and the efficiency of the local Courts must inevitably be impaired by taxing too heavily the officer who does the whole work in them.

In England there is the same tendency as here to gorge the County Judges with work, and although there the Judges