

THE CASE OF MR. JUSTICE CLEMENTS.

The profession will have noticed with much pain the result of the inquiry into the charges laid by the Crown on the information of the Attorney-General against Hon. Mr. Justice Clements, of the British Columbia Bench, concerning certain travelling allowances paid to him on the supposition that he resided at Grand Forks, whereas it was alleged that his residence was in the city of Vancouver, and that therefore the sum of \$4,290 which had been paid to him was improperly obtained.

The case was heard by Mr. Justice Cassels, Judge of the Exchequer Court of Canada, who held that Mr. Clements' residence was at Vancouver and not at Grand Forks, and that he had no right to claim the travelling allowances which the Crown sought to recover back from him.

His Lordship, in his judgment, said that he was pressed by counsel, both for the Crown and for the defendant, for a ruling as to whether the defendant intentionally endeavoured to deceive the Department of Justice as to his real place of residence, and that he was very reluctantly forced to the conclusion that the contention of the Crown was well founded, and that he was unable to relieve the defendant from the charge.

We understand that the case will be appealed. It will not therefore be proper for us to make any comment upon it, except to say that all will appreciate the concluding remarks of the learned judge: "If I have come to a wrong conclusion as to the meaning of the Judge's Act, and the defendant's contention turns out to be correct, then of course the defendant's contention would be right, and nothing I have written would or ought to prejudice him in an appellate court, and I would gladly welcome a judgment in his favour. I have, however, come to a conclusion on the facts as they appear to me."

[A full report of the case appears post infra p. 67.]