

The section would also seem to prevent a judge acting as an arbitrator, or on a Royal Commission. The case of the judge of the Exchequer Court is further specially provided for by s. 6 of the Exchequer Court Act (R.S.C. c. 140), which reads: "The judge of the court shall not hold any other office of emolument, either under the Government of Canada or under the Government of any province of Canada." The latter provision has been law for many years. In the past it has been circumvented by Parliament voting a sum of money for the purpose of paying a commissioner, who happened to be a judge, for his work on a specified commission. This has been understood to be a virtual abrogation of the statute. We think it is a vicious method of legislation, but it has apparently become recognized as a way to enable a judge to obtain increased pay, and, since it has become customary, Judge Cassels might have taken advantage of the custom to augment his salary--none too large. In his letter to the Prime Minister, which is part of the correspondence relating to his appointment as commissioner, he said: "I have always believed, and do still believe, that no judge or other judicial officer should accept any position as commissioner, arbitrator or otherwise, which may yield him any emolument over and above the pay which the law allows him in virtue of his judicial position. I freely concede to others the right to entertain different views on this subject. I am too old, however, to change my own view." Judge Cassels is, therefore, entitled to all credit for refusing to accept an emolument for the additional work he has been asked to do. His refusal is a new departure, and we trust is the dawn of a better thought with reference to such matters. That judge would be regardless of the good opinion of his fellows, as well as exhibit a mind incapable of appreciating so excellent an example, who should in the future fail to follow it.

Nothing can more seriously affect the integrity of the Bench than the supposition that the judges are ready, for the sake of additional emolument, to undertake any employment outside of the sphere of their regular duties.