

reason of interest is absolute, and that the learned Judge has no power to do anything in connection with his own appeal.

I do not go so far as to say that if there was no other provision he might not upon the ground of necessity request another Judge to act; but when the statute has pointed out a way in which some disinterested person may be named, then I think that course should be followed.

The power given by the statute to a Judge of the High Court is much wider than the power conferred upon the County Court Judge by the Act of 1909. A County Court Judge can only request the Judge of another County Court to act: the High Court Judge can name a disinterested person. While it is quite true that the Judge of an adjoining county would not be interested in the assessment of the Judge of Waterloo upon his income, yet he is interested in a wider sense; as it is entirely likely that the assessment of judicial incomes in one county will be found to govern the action of the municipal authorities in the adjoining county.

Bearing this in mind, and seeking to apply the principle laid down in many cases that it is important not only that the fountain of justice should be preserved from all impurity but also that it should be protected against any semblance of impurity—or, as put in *Eckersley v. Mersey*, [1894] 2 K. B. 671, “Not only must Judges be not biased; but even though it be demonstrated that they would not be biased they ought not to act in a matter where the circumstances are such that people, not necessarily reasonable people, would expect them to be biased”—it appears to be my duty to appoint some entirely disinterested person. I do not in any way reflect upon the learned Judge or upon those whom he contemplated asking to act for him; but it seems to me clear that the interests of justice will best be served by taking this course.

I therefor appoint the Chairman of the Ontario Railway and Municipal Board, under the statute, to hear the appeal. I select him, as that Board has jurisdiction over many matters of assessment.

There will be no costs of the application.