

If persons to whom such bequests are made can get them paid without legal assistance, let them do so, but if they have to seek the intervention of the Courts of law, such bequests should be regarded as of no more legal validity than bequests to the man in the moon or directions to bury the money in the earth.

In giving judgment in the case referred to above, the Master of the Rolls is reported to have said: "There had been a great change on the subject within the last 100 years. It was really a question of policy, which varied from time to time. If *Cowan v. Melbourne*, L.R. 2 Ex. 231, was still good law, the legacy could not be claimed," but he did not consider it good law. Not, be it observed, because it had ever been authoritatively overruled, but simply because "public policy" is said to have changed. Lord Davey remarked, in *Janson v. Driefontein* (1902), A.C. 484: "Public policy is always an unsafe and treacherous ground for legal decision." It seems a no better rule than the length of the Chancellor's foot. You have to-day one set of Judges declaring that "public policy" is so and so, and a few years later another set of Judges declaring it to be exactly the reverse. "Public policy" as a ground of decision appears to be judicially utilized for reversing the law of the land without the assistance of the legislature.

No doubt the attitude of the State to religious belief has undergone a change of late years. A man's religion is no longer any test of eligibility for the Bench, and his unbelief in the Christian religion is no bar to his promotion, and in recent years we have had Jews and agnostics administering justice in English Courts, and as was, in effect, said by the late Lord Coleridge, when the State appoints such men to judicial positions, the Courts have necessarily a difficulty in holding that the publication of books advocating the religion or no religion which such persons profess is illegal, provided they are framed with some decent regard to the feelings of others who are Christians. Not only on the Judicial Bench, but for membership in the High Court of Parliament, Christianity has ceased to be a necessary qualification.

Perhaps the attitude of the modern judicial mind and of