

whose infirmities have certainly delayed business? Physical infirmities, yes, and I induced one most distinguished Judge to retire on that sole ground. His mind was as clear as a bell and his judgment excellent, but he was decrepit, and when I pointed it out to him he saw that the public could not disconnect apparent decrepitude and inability. You will see what I mean. He retired and lived for ten years afterwards, and up to the time of his death I would have taken his opinion on any point of law against the opinion of any man."

The Chief Justice was then asked whether it would be practicable to name a time at which the Lord Chancellor, the Chief Justice, or the Master of the Rolls, should be able to say to Judge: "This is the time at which you may be required to retire, but you may be continued if we think it right in the public interest that you should be continued," just on the same principle that a civil servant in a high position may be required to retire or may be continued if it is well for the public service?

The Chief Justice replied that such a plan might be feasible, but he contended that as long as a Judge was able to do his work he should not be retired. It would be lamentable to take off the Bench some of the Judges now over a certain age.

Mr. Justice Phillimore was asked if he thought a Judge should retire at the age of 65. "I do not," he replied. "I am more than 65 myself. People's vitality had increased enormously since his childhood. Judges often did good work at 70. One man was old at 65. Another was not old at 75."

THE EFFECT OF A CODICIL CONFIRMING A WILL.

As is well known, a codicil almost invariably concludes with the following words: "And in all other respects I confirm my said will" [as altered by the said former codicils thereto]. But practitioners do not always bear in mind the force of such words. The effect of them is thus defined by Lord Justice Stirling in *Re Fraser; Lowther v. Fraser*, 91 L.T. Rep. 48; (1904) 1 Ch. 734, referring to several codicils: "The effect of this is to bring the will down to the date of the codicil and effect the same disposition of the testator's estate as if the testator