

occur of more serious moment than we see at present." We should regret if such comments as above quoted indicate even a temporary decadence in the English Bench. Lovers of their country in this Dominion have felt and expressed an anxiety in a similar direction here. It is well to keep the attention of the profession and the public directed to these matters, so that both those who appoint the judges and those who are so appointed may better realize their respective responsibilities.

In connection with judicial utterances such as those above criticised, a correspondent of the London *Times* quotes the following pertinent observations of Lord Hatherly in his speech on the Judicial Committee of the Privy Council, in 1872. (See Hansard, vol. 209, p. 430):—"The dignity of the Bench is best maintained by hearing first all that persons have to say—by keeping yourself on your guard, and forming a covenant with yourself, as it were, to let every matter be fully placed before you, ere you allow yourself even to form an opinion, much less pronounce a decision upon the subject. And certainly you ought not to disqualify yourself from the office of a Judge by expressing strong opinions when only one side has been heard, or still less when nobody has been heard—opinions which have been formed by yourself in your own breast, and which possibly are so completely satisfactory to yourself that you think they must necessarily be right. That is not my opinion of judicial dignity." These are words of gold. The objectionable practice referred to is all too common on the part of many both on the superior and inferior Court Bench. It is a sign of weakness rather than of strength on the part of the Judge who so conducts himself. It is disconcerting and irritating to counsel and unjust to litigants.

**PERJURY BY PRISONERS TESTIFYING IN THEIR
OWN BEHALF.**

The English judges seem to have developed some very remarkable differences of opinion as to the proper course to be followed when prisoners have committed perjury in giving their testimony under the provisions of the Criminal Evidence Act which came into force a few months ago. Mr. Justice Wills has