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THE EXCHEQUER COURT AND ROYAL COMMISSIONS.

The general approval of the appointment of the new judge of the Exchequer Court of Canada shews how much it is to the advantage of a government, to say nothing of the people, when such appointments are made from a sense of what is best in the interest of the country rather than what may seem to be for the benefit of a party. The gain in the one case is lasting, in the other it is soon forgotten, and only serves to whet the appetite of the greedy partisan.

The approval given to the selection of Mr. Cassels has also been given, without stint, to the position taken by that gentleman with regard to the work which he has been called upon to do, an inquiry into charges made against certain officials in the Department of Marine and Fisheries. More than some of his colleagues, Judge Cassels has shewn a proper appreciation of what is due to the position of a judge, and his sense of the danger which attends any departure from his legitimate functions. The dignity of the Bench and therein the country at large, has suffered too much from such departures in the past.

Except under very special circumstances, judges should not be asked to undertake any extra judicial duties, or serve on commissions. This principle is already recognized by legislation. The Judges Act (R.S.C. c. 138, s. 33) enacts as follows: "No judge of the Supreme Court of Canada or of the Exchequer Court of Canada or of any Superior or County Court in Canada shall, either directly or indirectly as director or manager of any corporation, company or firm, or in any other manner whatever, for himself or others, engage in any occupation or business other than his judicial duties; but every such judge shall devote himself exclusively to such judicial duties."

From the above section it is very clear that a judge may not be a director of a company. We regret to say that one judge at least, in the Province of Ontario, does not observe the law.