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THE DIGNITY OF THE BENCH

A representative legal journal cannot well ignore, much as we might wish to, occurrences such as those which recently took place in Manitoba in regard to an investigation held there by a learned Judge, sitting as a Commissioner, appointed by the government to take evidence and report as to certain alleged abuses in connection with a government contract.

Unfortunately this investigation brought up political disputes and recriminations which led to unseemly criticisms in which the learned Judge came in for a large measure of abuse. Of the rights or wrongs we know nothing and they do not interest us; but the dignified and efficient administration of justice is important to all, and anything which affects it prejudicially should not be allowed to pass without protest.

Whilst it may be desirable from time to time for a government to investigate alleged scandals or improper practices, it is most unwise that any Judge should be asked to adjudicate upon such matters. Judges, moreover, when asked to act as commissioners in such matters, would do well to decline. They have their proper duties to perform and should not be asked to go outside their own sphere of duty. In doing so they step down from their high estate, and there is always trouble when they do.

It may well be supposed that when Judges are appointed in such matters it is because it is imagined that the finding of a person occupying a judicial position would give the finding a judicial complexion, and so carry weight with the public. And then these Judges must remember that, when acting as commissioners and not as Judges, their acts are open to adverse criticism to an extent which would not be proper or even possible if they were acting within their legitimate judicial sphere. The unfortunate result too often is that the ermine is besmirched and the due and dignified administration of justice more or less injured.