

## The Legal News.

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A good deal of attention has been attracted in England to the mental decay of a judge very favorably known for his powerful intellect and vigorous and lucid exposition of all subjects treated by him. There has been great hesitation even in naming the eminent person referred to, but the subject has now come before Parliament, and has been frequently discussed in the press. The judge referred to, as everybody now knows, is Mr. Justice Stephen. The *London Law Times* says:—"That this journal should from a deep sense of public duty have been compelled to refer to the evidence of the decline of a masculine and powerful judicial mind, which has at last received attention in high quarters, illustrates a defect in our system of legal administration of the gravest possible character. Who could have believed, without irresistible evidence, that the control of our judicature is so lax that a state of things affecting the competency of a judge should either be unknown to, or disregarded by, the heads of the judicial body who are responsible to the country for the efficient administration of justice? We are tempted to look back with regret to the days when the Common Law Bench was divided into three courts, each having its chief. In those days no judge could fail without at once attracting the attention of his colleagues. The reputation of the Queen's Bench, Common Pleas, and Exchequer was involved in the reputation of each of the judges forming the court, and allegiance to the chief prohibited continuance in office when the physical or mental powers sensibly and dangerously declined. Now we have a crowd called the Queen's Bench Division, one of whom is denominated the Lord Chief Justice. Every judge is a law unto himself. Old age, physical infirmity, mental decline, may cloud the judgment seat—no hand is raised to stop the painful progress to the final scene. Is it that 'personal considerations' weigh so much in these degenerate days? Are the 'feelings of individuals'

to be tenderly placed above a nation's demand for efficient ministers of justice? So, indeed, it would seem. But could anything be more calamitous both to the public and the judicial Bench? Could any kindness be more cruel than that which allows one who has sat with dignity and strength in the seats of the judges for many years, increasing year by year a great and well-earned reputation, to slowly fall away before age or disease until he becomes an object of pity and commiseration? Could anything be more absurd than that the judge whose failing faculties may render him unable to appreciate his own incapacity should determine whether he will abandon a position which he can no longer fill with benefit to the country or credit to himself? Unfortunately laxity of control in these matters extends to all the courts throughout the country. There are county court judges whose patriarchal age excites the wonder of mankind, still at work; there are judges of other courts who shall be nameless, tenaciously retaining their offices which age and declining powers commend them to abandon. They likewise are a law unto themselves. Had we the power of removal we should be inclined to say, with Cassius:

Do not presume too much upon my love;  
I may do that I shall be sorry for.

But we have not. No one has; or no one will exercise the power there is. The result is, that so long as a judge of any of the many courts in the Kingdom thinks he can scramble through his work, however mistaken he may be, authority is dumb. When his incapacity becomes a scandal, when the profession and the public have their sense of decorum outraged, and a voice is heard in Parliament, then it occurs to somebody that something should be done. Legislation would appear to be inevitable."

"*Waifs in Prose*" is a brochure of some 70 pages, for a copy of which we have to thank the learned author, Mr. G. W. Wicksteed, Q.C., of Ottawa. Not many authors are spared to edit, after passing the age of 90, the productions of their younger years, but Mr. Wicksteed does more than this, he is still producing, and the titles of these "Waifs