

# Canada Law Journal.

---

VOL. XL

NOVEMBER 1, 1904

NO. 21.

---

We doubt whether Professor James Bryce's proposal to aid the cleansing of the Augean stable of politics in the New World by having every public officer or member of an administration "excluded absolutely and entirely from participation in the ballot" and from the right "to speak or write on any political subject" is at all likely to be adopted by the free communities of America. To deny the franchise and the right of free speech on any subject that strikes at the heart of patriotism to cabinet ministers and civil servants, while these "birth-rights of British freemen" are open to the abuse of every small partisan trickster and bar-room loafer is a bit of radical despotism too silly to be debated. Better begin by disfranchising those who could not obtain a certificate of good citizenship from the courts, say we; and rigidly enforce the provisions of the present election law as to those guilty of corrupt practices.

---

In connection with matters affecting Bench and Bar we have from time to time referred to the system of appointing judges in vogue in the United States, apart from the Supreme Court Bench. We have ventured to express a doubt whether our system after all, as carried out in recent years, produces the best result. An article in one of our exchanges in the State of New York shows a very satisfactory condition of things in this regard, and that the Superior Court judges of that State are quite as free from political influence as we can claim for those in this Dominion. The time for boasting of our system as compared with the elective system as worked out in the State of New York seems to be at an end. We commend the last sentence of the article referred to, to the consideration of those who, of whatever political party, have the grave responsibility of making judicial appointment. It would seem rather a shameful thing for us that the electors of a democratic country should show more sense of responsibility in such an important matter than the Ministers of the Crown in a comparatively conservative community.