

he is to some extent, in so doing, acting the part of a Judge in his own cause; he is in one sense the party aggrieved and he is also himself the Judge essaying to punish the culprit: and this no doubt is an objectionable feature. Recently in Manitoba a learned Judge, who was similarly insulted, however, did not scruple to impose a severe fine on the offender—but although it is necessary for the due administration of justice that Judges should be armed with considerable powers for protecting the order and discipline to be observed in Courts of justice, it is at the same time to be desired that where the Judge himself is the object of attack or insult, he should not be the Judge by whom the penalty is imposed; at the same time, such offences ought not to go unpunished, but on the contrary should in all cases be rightly and judicially dealt with. How this should be done may perhaps be open to question. One way which suggests itself to us is that the Judge to whom the insult is offered should certify the matter to the Attorney-General, who should thereupon lay an information against the culprit, who should then be dealt with by some other Judge or Judges, like any other offender and punished by fine or imprisonment, or both, as the circumstances of the case might require.

The freedom with which the defendant was permitted to introduce scandalous and irrelevant matter at the trial in question, is happily not very usual in British Courts of Justice. It has however made plain the wisdom of our rules of evidence, which, if enforced, would have prevented what appears to have been a very grievous injustice to persons who were not before the Court, and in no way concerned with the question really at issue.

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#### *JUDICIAL CHANGES IN ENGLAND.*

Lord Cozens-Hardy has now definitely retired from the Bench. He withdrew last year from work in the Court of Appeal and he now leaves with the good wishes and regrets of the Bar. He was appointed to a judgeship in the Chancery Division in 1899, and in 1907 succeeded Sir Richard Henn Collins as Master of the Rolls. He is succeeded by Lord Justice Charles Swinfen Eady. The vacancy in the Court of Appeal has been filled by the appointment