

## A MINISTRY OF JUSTICE.

## SELECTIONS.

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In addressing the electors of the Elgin District of Burghs last week, Mr. Grant Duff handled the subject of law reform. There were, he said, many signs that in Scotland, as in England, great changes in the law were needed. The most necessary changes, in his opinion, were the substitution of a code for our voluminous law libraries; an improved system of legal education to rear lawyers fit to reason from principles rather than decisions; and an assimilation of the English and Scotch systems of law, "so as to permit of their being fused together." "This consummation," said Mr. Grant Duff, "*we* shall not see, but there is a change in our arrangements which I hope we may see—the creation of a Minister of Law and Justice in England and Scotland." The suggestion that we should have a government department for law and justice is not new; but little has been heard of it of late, and it may be worth while briefly to consider whether it is a suggestion that ought to be seriously entertained.

It might be too much to say that there was a presumption in favour of such a department derivable from the experience of other States. The British government system is "so much better than any other" that, instead of seeing ground for such a presumption in the fact that other States have a department of Law and Justice, many might regard our being without one, a fundamental point of superiority in our system over the others. Let us note, however, at what it is worth the singularity of our position in regard to this matter. If any one will take the trouble to look into that useful work, the "Statesman's Year Book," he will see that there is no State of any pretension, except our own and the United States of America, without a Ministry of Justice charged with the supervision of the judicial system and the continuous improvement of the law on consistent and homogenous principles. A catalogue is rarely interesting, but it is frequently most useful, and the reader may glance as quickly as he likes over the following list of States having Ministers of Justice:—Belgium, Denmark, France, Prussia, Italy, the Papal States, the Netherlands, Portugal, Russia, Spain, Sweden, Norway, Saxony, Bavaria, Wurtemburgh, and Baden. Turkey, Brazil, Chili, and Peru have each of them a Minister of Justice; and a department of Justice is comprised in the governmental departments of Canada and British North America. We of the United Kingdom and our congeners of the United States are singular, as we said, in having no department of State corresponding to the Administration of Justice. Looking to this and considering that in the principal, at least, of the States from which we differ in this respect the law is in a condition so far superior to our own that it is codified, while

ours is of unmanageable mass and of infinite intricacy, it seems not too much to say that there is a suggestion, if not a presumption, that had we had a Department of Justice we should have benefited by it.

If the proposal to establish a Ministry of Justice be considered on its merits, it is difficult to see what reasons can be urged against it. Our commerce and manufactures, our pauperism, and even our Post Office, are represented in the Cabinet by special Ministers. The President of the Council is, in a sense, our Minister of Education. Why should we not have a Minister of Law and Justice, the administration of justice being a chief (Mr. Herbert Spencer would persuade us that it is the *sole*) duty of the Government? It may be said, no doubt, that the duties of a Minister of Justice are divided between the Home Secretary and the Attorneys-General in England and Ireland, and the Lord-Advocate in Scotland. But how are they discharged? It is long since we have had a Home Secretary to whom any one would think of assigning the office of Minister of Justice if it existed. On the other hand, the duties proper to a Minister of the Interior might be supposed sufficient in this, as in other countries, for a single person. The Attorney-General and the Lord-Advocate, again, are overworked officials; and, however competent they may be to discharge in their respective divisions of the kingdom the duties of a Minister of Justice, they are rarely free to perform them. "Nothing is more disheartening," said Mr. Grant Duff on this point, "than to see the way in which law reforms, which are acknowledged by all reasonable persons to be necessary, hang fire, because no one except a great lawyer and member of the Government can deal with them, and the official gentleman who answer to this description are so overwhelmed with the mass of private practice that they can only rarely and fitfully give an undivided attention to public affairs. We have often had examples of this in Scotland; but in England it is far worse. The small amount of law reform that the country gets out of its highly paid Attorney-General is only more remarkable than the almost incredible sums which he hives up out of his private practice as a foundation for the peerage to which he usually looks forward as the reward of his toils." Thus the facts are that the Home Secretary, cannot, and the chief law officers of the Crown are rarely free to discharge the duties of a Minister of Justice. These duties are left to the intermittent and desultory efforts of individuals and voluntary associations. The result, of course, is that they are frequently long neglected and rarely well formed. The judicial system is without regular supervision, and receives attention only when its condition evokes popular clamour. The process of improving the general laws of the country goes on at haphazard and very slowly in the intervals of party strifes. There are blots in the law that were pointed