

The possibility of a Judge becoming insane, or imbecile, has not been taken into account, but it is obviously a very important contingency to be guarded against, and it is possible that legislation will be found necessary in order to provide for such unfortunate cases. We observe that a recent capital case, which would in ordinary course have come up for trial before the Judge referred to, was, by some judicial engineering, transferred to another sittings. The spectacle of a man being put in peril of his life before a Judge who has become lunatic, or imbecile, would be a mockery of justice too dreadful to contemplate. It is bad enough that suitors in civil proceedings should be exposed to having their rights determined before such a tribunal.

THE unlawful imposition of taxes on Her Majesty's liege subjects is, as we all know, a very serious offence; it was the moving cause of one unfortunate monarch losing his head; and, therefore, when the highest personage in the realm has suffered so severe a penalty, it is somewhat extraordinary to find that much smaller fry should dare to venture on so rash a course.

We learn from the pages of a contemporary that the Registrars of the High Court of Justice have embarked on this hazardous enterprise, and we are naturally led to tremble for their safety. It appears that in agreeing that the 50c. fee imposed by the tariff for setting down appeals from Chambers should in cases in the Q. B. and C. P. Division hereafter be paid to the Clerk in Chambers instead of to the Clerk of Records and Writs, as provided by *Rule 545*, they have, in effect, imposed a new and unlawful tax on a much suffering profession. The point is a very fine one, so fine that some stupid people will hardly be able to see it; but it is all the better for that from a legal point of view.

Now is the time for some chivalrous Hampden to step forward and resist to the death this constitutional iniquity. Unfortunately, in this prosaic age the Bench are not at all up to the mark on great constitutional questions of this kind. We remember once hearing that in the great case of *Jackson v. Richards* (we think it was) the Clerk of the Court had demanded a fee, which counsel objected to pay. When the case came before the Court, the great question as to the lawfulness of the Clerk's demand was about to be solemnly argued, when the learned Chief Justice, who at that time swayed the Court of Common Pleas, inquired of the Clerk how much the fee in dispute might be—we think it was 50c. He then beckoned the usher to approach, and having dived into his pocket he produced the necessary coin, with which he directed the stamp in question to be procured and applied to the document which was considered to be in need of that adornment, and then blandly asked the learned counsel to proceed with the merits of his case, if it had any. Such, alas, is the way great constitutional questions are burked by an unimaginative bench in these degenerate days!