

Canada Law Journal.

VOL. XXXVL

APRIL 2, 1900.

NO. 7.

The war seems to be disturbing things in England in judicial as well as in other circles. The Bar Council objects to the appointment of Lord Justice Collins to inquire into the administration of the Patriotic fund and speaks of the "increasing practice of appointing Judges to perform duties outside, and often inconsistent with, those attaching to their judicial position, as contrary to the public interest." The *Law Journal* refers to this in a skit entitled: "The New Zealander at the Law Courts," which he finds devoid of judges, and is told by the "ancient attendant" that some of them have gone to settle disputes in the Cornwall Herring Fishery, another to help the Speaker add up a column of figures in the House of Commons, and the rest to South Africa, to charge Grand Juries on war subjects, and to clear the jails filled by Kitchener; whilst the *Law Times* formulates what it believes to be the voice of the profession in England on the subject as follows:

1. It is desirable that judges should be absolutely independent of the Executive. (a) To keep them free from possible political entanglements. (b) To keep them free from invidious advantages by placing the Executive under an obligation to the individual judge

2. That a judge's time is already bought by the nation on behalf of suitors in the courts, and that additional labours ought not to be imposed upon him even though capable of being carried on when the courts are not sitting.

3. That if a judge is, under any circumstances, to be asked to assist the Executive, those circumstances ought to be such as to leave the Executive no alternative but to require the services of a judge. This means that the inquiry involved shall be one for which a president is required of high judicial training—indeed, in which a president so qualified is absolutely indispensable."

It seems to us that it would be a pity that the services of men occupying judicial positions should not under some circumstances be available for matters outside their judicial duties, but if they are so called away it is clear that their places should be so filled that the public should not suffer by causes being left unheard and undisposed of.