

JUDICIAL APPOINTMENTS.

by active political agitation, he had disqualified himself for the office, which is one, of course, intimately connected with political matters. Deeming him an injured man, Lord Hatherley makes him a County Court Judge. This is the ostensible reason for an appointment which at the time we condemned most emphatically, disregarding altogether the question of personal merit; but we confess we should not be inclined to go into other motives which *may* have influenced the Government. We now simply desire to record our most energetic protest against County Court Judgeships being used as crumbs of comfort for hardly used barristers."

We heartily concur in this protest, and add to it the further protest, that no appointment to a judicial office, or to any ministerial office, where professional competence or eminence is required, should be made merely to meet the exigencies of party politics. If, however, this must be (though the confession even of the alleged necessity of this is degrading), let the best men be chosen from the political supporters of the Government which may have the patronage to bestow. As a mere question of party politics, it may well be argued that any other course is suicidal in the long run. But we should endeavour to reach the highest standard in such a vital matter as this, and make the selection from the profession as a whole, irrespective of party or personal considerations, throwing aside all questions of political exigency or personal feeling.

Entirely apart from party politics, it may be that the fall of the Gladstone Ministry, rumours of which are afloat, will not be an unmixed evil, in view of the course taken by them in matters pertaining to the Judiciary. Mr. Gladstone and Lord Hatherley have shown themselves incapable of appreciating the high ground that has hitherto been taken in this respect by British statesmen. The motives for, and the method of appointment to judicial positions, should be pure and unassailable, as well as the appointment itself unobjectionable.

Let it not be said of us in this Province, as is said of the Bench in the Province of Quebec (we quote from *La Revue Critique*):—

"Seats on the bench are amongst the prizes offered by political rings for uncompromising support; and it makes very little matter whether *rouge* or *bleu* be in the ascendant, the same principle is acted on by both parties, and generally judgeships are conferred, not on account of fitness

for the office, but because it is necessary to provide for a member of the party in power. The system is radically bad; for in lieu of good lawyers, worn-out politicians are placed on the bench. If a man is a political failure, *presto* he is made judge; so that there is a very fair chance of the Bench becoming the receptacle for that favoured class of the community which, fifty years ago, in England, was said to monopolize the Church. Thanks to the system, the Bench of Quebec does not command the respect which is accorded to persons occupying judicial positions in other countries."

The writer of the above article then goes on to suggest a mode of appointment which would secure better men, very properly premising his observations by advocating an increase of salary to Judges. We give his views for what they are worth. We express no opinion as to the advisability of the course advocated: it is scarcely worth while to discuss it, there being no chance of the suggestion being carried out in these days. He says:

"In England it has been proposed to vest the right of nominating the judges in the Lord Chancellor and Chief Justices. Here it may perhaps be permitted to advocate a still greater departure from old principles.

"Who, may it be asked, have a greater interest in securing the appointment of a fit person to be a judge than the Bar and the Bench of the district within which such judge, after his appointment, is to act? Where can there be found persons better qualified to judge of a person's fitness for a seat upon the bench than those who plead against him and those who hear him plead, nearly every day of their lives. Taking, then, the opportunities possessed of judging fairly, considering also their interest in choosing the most fit and proper person for the office, it must be admitted that the Bar and the Bench of the district in which a man practises his profession, should be the best judges of his fitness for promotion to the bench."

The Tichborne case is still occupying the public mind in England to a great extent. The Attorney-General stated in the House of Commons the other day that six counsel, led by himself, were to conduct the criminal case against the claimant. Lively times may be expected at the Old Bailey if the defence fund is well sustained.