

himself, or others, engage in any occupation or business other than his judicial duties."

It will be seen that Mr. Lennox's amendment seeks to prevent judges acting as arbitrators or referees, except where they are called upon to act in the performance of duties imposed by the statute or by special appointment from the Crown.

One would have supposed that section 7 above referred to was sufficiently explicit without any amplifications, but it would seem not to be so. Certainly there is such a broad hint given that one might be excused from expressing some surprise that any judge should thereafter think of acting as an arbitrator.

This was clearly the opinion of Hon. Charles Fitzpatrick, the then Minister of Justice, when this section was enacted in 1905. Speaking in reply to Mr. Lennox and others as to the arbitration phase of the question and the effect of section 7, he said: "This amendment to the Act respecting judges will operate as a clear notice that judges are not to be employed in connection with commissions, except where it is important in the public interest they should be so employed. I think the less a judge has to do with matters which are not clearly within the scope of his judicial duties, the better for himself and the dignity of the Bench."

And again Mr. Fitzpatrick during the debate on this subject last March said: "I have up to the present construed the Act that we passed last session very strictly and once or twice judges have applied to me to know whether or not on a true construction of the statute it would be permissible for them to act as arbitrators in dispute between private parties. The answer I have invariably given them is that it is not competent for them to do so, and to-night I regret that I am obliged to deliberately say that the judges of this country have not observed the law passed by Parliament, and that they certainly have not given that example of obedience to the law which we are entitled to expect of them." Mr. Lennox recently obtained an order of the House for all correspondence between the judges and the Department of Justice. When this is brought down it will be seen what argu-