

COMMISSIONERS.

A SEMI-OFFICIAL opinion has recently been obtained from the Lord Chancellor upon a matter of professional practice, or etiquette not provided for in the Rules of Court. In answer to an inquiry whether solicitors might take declarations made by their clients in conveyancing matters in which they were acting, the Incorporated Law Society were informed by the Lord Chancellor 'that, although Order XXXVIII., rule 16, of the Rules of the Supreme Court does not appear to refer to business done otherwise than in a cause or matter, the principle applies to all cases, and a solicitor should not act as a commissioner in any case in which he is directly or indirectly interested, or in which he is acting.' This seems obviously a correct view of the proprieties of the case.—*Law Journal (Eng.)*

JUDICIAL CAPACITY.

It is a common thing for the remark to be made about a deceased judge, "He was not a great lawyer." The critic then proceeds to allude to the strong common sense or other qualification which to some minds compensates for the absence of legal knowledge in a judge. The fact is undoubted that with the abolition of what is called technicality, but what may be more properly termed a strict adherence to rules of law and procedure, learning has declined. It is a delightful thing for a flabby intellect to be able to "brush aside" technicalities, and decide cases by the pure light of reason and common sense. A vast amount of thought is spared, research, or its equivalent knowledge, is dispensed with; but the result is too apt to be uncertainty and diversity in decision. This is supposed to be one of the reasons why the Law Reports are giving up reporting decisions except in the Court of Appeal and the House of Lords.—*Law Times.*