GRAYS INN

Far away to the north—on the other side of Holborn—lies Gray's Inn. For one reason or another—but partly because of its distance from the Courts, this Inn has ceased to be the home of the practising barrister, although its Benchers still call men to the Bar and observe all the traditions of the other Inns. Gray's Inn Square is to a large extent filled with solicitors' offices. In Gray's Inn Gardens certain rooks paying no heed to their dingy surroundings still build their nests year by year.

OBITER DICTA.

One cannot help wondering why some judges are constantly making *obiter dicta!* It were so easy (to all appearance) to confine oneself to the issues before the court when hearing a cause or pronouncing judgment. Yet *obiter dicta* often find their way into reporter's note book—to be transcribed into the law reports— there to mislead and annoy whole generations of lawyers. An old judge once described an *obiter dictum* as "an individual imperti- nence which bindeth none, least of all him whose lips have uttered it": but it is not always easy for the busy practitioner to discern for himself or to persuade the court before which he is arguing that a particular passage in a judgment is *obiter*. No judge should lay down any principle which is not absolutely essential for the decision of the case before him. Any departure from this rule only leads to confusion.

EXTRA-JUDICIAL UTTERANCES.

If the ordinary *obiter dictum* is objectionable to the lawyer, there are certain extra-judicial utterances which are objectionable on much wider grounds. Some judges take advantage of their position to pronounce upon politics (in the wide sense of the term); the policy of a legislature; or some quasi-religious question. Unless the pronouncement is strictly germane to the matters in issue it were better omitted. It is to be regretted that Lord Shaw in the House of Lords has recently taken the opportunity of mak- ing what may indeed be described as an extra-judicial utterance. In the case of *Rex* v. *Halliday Ex p. Zadig* the validity of a regu-