

JUDICIAL APPOINTMENTS.

Attorney-General had been appointed to such a chief justiceship, not with the intention of his proceeding to India to fill the office, but simply for the purpose of his becoming qualified, according to the letter of the statute, for an appointment to the Judicial Committee? What an outcry would have been raised at so palpable an evasion of the Act! But what possible difference, allow me to ask, can there be, in principle, between such an appointment as the one I have just referred to, and an appointment to a judgeship in the Court of Common Pleas, the duties of which it is not intended shall be discharged, for the sole purpose of creating a qualification in a person not otherwise qualified? I cannot refrain from submitting to you that such a proceeding is at once a violation of the spirit of the Act of Parliament and a degradation of the judicial office.

"I ought to add, that from every member of the legal profession with whom I have been brought into contact in the course of the last few days, I have met with but one expression of opinion as to the proposed step—an opinion, to use the mildest terms I can select, of strong and unqualified condemnation. Such, I can take upon myself to say, is the unanimous opinion of the profession. I have never in my time known of so strong an expression, I had almost said explosion of opinion.

"Under these circumstances, I feel myself justified, as Chief Justice of England, in conveying to you what I know to be the opinion of the profession at large, an opinion in which I entirely concur. I feel it to be a duty, not only to the profession, but to the Government itself, to protest—I hope before it is too late—against a step—as to the legality of which I abstain from expressing any opinion, lest I should be called upon to pronounce upon it in my judicial capacity—but the impropriety of which, for the reason I have given, is to my mind strikingly and painfully apparent.

"I beg you to believe that I make these observations in no unfriendly spirit, but from a sense of duty only. I should sincerely rejoice at the promotion of an Attorney-General who has filled his high office with dignity and honour; but in the position I occupy I feel I ought not to stand by, and, without observation or objection, allow a judicial appointment to be made, which from the peculiar circumstances under which it will take place, is open to such serious objection, and which, as I have abundant reason to believe, will be the subject of universal condemnation and regret.—I beg to remain, very faithfully yours,

"A. E. COCKBURN"

To this letter Mr. Gladstone made a curt reply, and handed the matter over to the Lord

Chancellor (Hatherley), whose letter to the Chief Justice was only remarkable for its insolent tone and evident desire to burke the question, and snub, not only the Chief Justice, but the whole Bar of England, who in this matter have loudly and unmistakably condemned the unwarrantable action of the Government.

Of course, as all our readers are aware, the whole affair was brought before the House of Commons, by Mr. Cross moving a vote of censure on the appointment of Sir R. Collier, declaring that it was a violation of the intention of the statute and an evil example in the administration of judicial patronage. Many strong supporters of the Government, and prominently so, Mr. Denman, spoke and voted in favor of this motion, which, however, was lost; but the very small majority in favor of the Government—27 in a House of 513—was in itself tantamount to a very strong expression of censure, and we presume will be so accepted by the Chancellor, as it certainly has been by outsiders, and will be so looked upon by historians.

The *Law Times* thus speaks of the discussion in the House:—

"To us the general results of the debate appear satisfactory, for they show that we still have very many able public men, who will neither sanction nor tolerate an evasion of the law by any Government, whatever its party may be: but, on the other hand, it is by no means reassuring to find the Prime Minister and the Lord Chancellor, after several months of cool reflection, after hearing the most invincible arguments against their view of the construction of the Act of Parliament, come forward and continue to maintain that view by arguments that show a sort of incapacity on their part to understand the distinction between an evasion of, and a full compliance with, the provisions of an Act of Parliament. It is a remarkable fact that neither of the present law officers of the Crown approve of the construction put upon the Act, for we may fairly presume that if they did they would have come forward and said so, and the Government failed to obtain the support of any lawyer of repute in either house except Sir Roundell Palmer, who made a speech for them that was a model of forensic ingenuity, and a perfect epitome of all the fallacies known to logicians; but notwithstanding all this, neither Mr. Gladstone nor the Lord Chancellor said a word that could be construed to mean that they would not pursue exactly the