

Collier may morally and intellectually be the fittest man in the world to put in the Judicial Committee, but he certainly was not legally fitted for it, unless when selected for the appointment he had *bona fide* the qualification required by the Act. As to the views of Mr. Gladstone, who seems to have been the prime mover in the whole affair, we have some difficulty in understanding what his precise construction of the Act is. One part of his speech almost conveys the impression that he reads the qualification required by the Act not as literally meaning that the appointment should only be given to a Judge or ex-Judge, but as a sort of figurative way of saying that the person appointed should be of a certain standard of fitness and capacity, and upon this view of the Act it would not have been necessary to pass Sir Robert Collier through the Common Pleas at all, before installing him on the Judicial Committee. From the speech, as a whole, we regret to gather, notwithstanding some fine flourishes in it, that Mr. Gladstone is much more concerned about having raised a storm in the House, than having evaded the plain meaning of an Act of Parliament, and we still more regret the tone in which he, as well as the Lord Chancellor, alludes to the Judges. Mr. Denman said in the course of the debate, and we think truly, 'that there was a desire to do something to render our courts less independent, to place them on a lower basis, to prevent them being able to stand between the Crown and the subject, between the Government of the day, or a popular majority in the House of Commons, and the rights of the individual subject, and that there was a disposition on the part of persons now high in authority to destroy some of the securities which we possessed for the independence and high character of our courts of justice.' These remarks we think were fully justified by much that was said on Monday night, and by what fell from the Lord Chancellor on the previous Thursday, when the extraordinary avowal was made that a gentleman had been made a County Court Judge in order that 'he should be restored to competence.' If these are the principles upon which judicial appointments are to be made, and if Judges are to be attacked with sneers and insults whenever they lack subservience to the Government of the day, we fear there is a gloomy future before the bench of England. And we venture to predict that regard for the law will not long survive the decay, if it once sets in, of that feeling of honour and respect in which those who administer it have hitherto been held."

The remark about the County Court Judge refers to the appointment of Mr. Beales, of which the *Law Times* speaks after this fashion:—

"One of the several remarkable theories concerning judicial appointments propounded by the present Government, is that to which, according to Lord Hatherley, the County Court Bench is indebted for the acquisition of Mr. Beales. That learned Judge was deprived of a revising barristership by Chief Justice Erle, on the ground that, 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 expediency 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*):—