

The line between what is quasi-judicial and quasi-political, is hard to define, and it cannot be overstepped without affecting the integrity of the Bench, and consequently lowering it in the estimation of the public. Nor is there any need for running risks of so serious a nature. There are men in the legal profession, if professional knowledge is required, as well qualified both by character and capacity as any judge on the Bench for conducting important investigations, and whose judgments, even where political questions are involved, will carry as much weight as those of any judge, and these can be freely discussed and commented on without danger to the best interests of the community.

Recognizing that by conducting the investigation the work of the Exchequer Court would be interfered with, Judge Cassels suggested some provision being made, meanwhile, for the administration of the court, and suggested that the registrar might be appointed a deputy judge, with an appeal, if necessary, to himself. At the present time the registrar has not powers equivalent to those of the registrar of the Supreme Court. The necessary power is proposed to be given him by a bill now before Parliament, which, however, has not yet progressed beyond its first reading. There seem to be very strong reasons for the registrar of the Exchequer Court having increased powers. Not only is the judge of that court frequently hearing cases at a great distance from Ottawa, but he is the only judge; consequently chamber matters, which might be disposed of by the registrar, have to await the return of the judge. In the case of the Supreme Court there are six judges, none of whom has to leave Ottawa, and the registrar also has certain powers of a judge in chambers.

If the registrar of the Exchequer Court be given increased powers there might not be much for a temporary judge to do; but, however that may be, there should be no mere deputy from whose decision an appeal would lie to the judge himself. Such an arrangement would involve a complication of the ordinary course of procedure, and should not be permitted, especially as