

## CORRESPONDENCE

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### JUDGES AND POLITICAL COMMISSIONS OF INQUIRY

EDITOR, THE CANADIAN BAR REVIEW.

Sir :

Very many of your readers will have perused the account of what transpired at the sitting of the Legislature of Ontario on the twenty-sixth of March last, when very serious aspersions were cast upon a present member of the Bench of Ontario and a former member of the Supreme Court of Canada. I have no desire to enter upon a discussion of the merits of that particular matter, but the fact that responsible members of the Legislature could publicly make such charges, serves to emphasize very strongly the objections to judges being appointed to political commissions of inquiry. It always happens that the judges selected have, before elevation to the Bench, been of the particular political party of those by whom they are appointed. It follows that, no matter how impartial their conduct of the inquiry and how honest the conclusions at which they arrive, opposing politicians and a large section of the public are predisposed to regard the findings as biased. These findings become the subject of political controversy upon the platforms of the country, and, as we now see, upon the floor of parliament; thereby the judges, themselves, are brought into the realm of political dispute and serious reflections are cast upon their honesty and partiality.

It is essential, in the administration of justice under our system, that the judges should be absolutely removed from the political arena and that no possible occasion should be given to question their impartiality or probity.

I would like to think that the members of the Bench everywhere in Canada would recognize the evil which results from the acceptance by any one of them of an appointment upon a political commission; and, in the interests of the administration of justice and for the maintenance of the unimpeachable honour of the Bench, would refrain from accepting such appointments. If this is too much to be hoped for, then I venture to suggest that the law should be so altered as to make it impossible for judges to serve on such commissions.

Yours sincerely,

Toronto.

JOHN JENNINGS