had power to amend it, or to set it aside: and he held that the writ of *quo warranto*, which is issued and is returnable before a County Court Judge is his commission in the sense that without such writ he has no authority to act, but not in the sense of the old writ of error, because in the former case the Judge gives himself authority to act. Osler, J. however, refused to recognize this distinction, and held that the order complained of was made wholly without jurisdiction; and Galt, J., being absent at the assizes, and the Court thus equally divided, the appeal dropped.

We have also before us the November numbers of the Law Reports, comprising the Table of Cases, and Index to 17 Chancery Div. now completed, and also from p. 1 to p. 299 of Vol. 18 Chancery Div., and p. 485 to 502 of 7 Queen's Bench Div. The last comprises only a single case, which is concerned with the interpretation of certain clauses and rules of the Income Tax Acts, and does not require notice here. The review of the above mentioned portion of Vol. 18, Chancery Div., will be contained in our next number.

THE RIGHT TO REMOVE COUNTY COURT JUDGES.

[COMMUNICATED.]

As conflicting views on this subject have lately found expression in the leading journals of the Province, it may not be out of place to mention some of the arguments on one side of the discussion.

The British North America Act gives to the Governor-General the right to appoint the judges of County Courts, but is silent as to their removal. The Legislature of Ontario has assumed the right to make laws concerning what is thus omitted. At the Confederation, and for some time afterwards, the law on this matter, as far as it was contained in the statutes, was well understood and had been settled for several years. The statutes which were in force respecting the office in question, when the consolidation took place in 1859, were then continued and remained intact up to the passing of the Confederation Act. The tenure was described in Con. Stat. U. C. cap. 15, sec. 3, which enacts that these judges "shall hold their offices during good behaviour, but shall be subject to removal by the Governor for inability or misbehaviour, in case such inability or misbehaviour be established to the satisfaction of the Court of Impeachment for the trial of charges preferred against judges of County Courts." The constitution of the Court of Impeachment and its duties are given in Con. Stat. U. C. cap. 14.

The first attempt to change this state of the law for Ontario took place in 1869, when the Local Legislature passed the statute, 22 Vict., cap. 22, to the effect that County Court Judges should hold office *during pleasure*, subject to removal by a tribunal there named. This was amended at the following session by Ont. 32 Vict., cap. 12 which repealed the Act last mentioned, and declared that "The judges of the several County Courts . . . shall hold their offices during good behaviour, but shall be subject to removal by the Lieutenant-Governor for inability, incapacity or misbehaviour, established to the satisfaction of the Lieutenant-Governor in Council, anything in the Interpretation Act or any other Act to the contrary notwithstanding." This is substantially repeated in the Revised Statutes of Ontario cap. 42, sec. 2, and has not since been altered.

This legislation by Ontario covers two distinct matters affecting the continuance in office of a County Court Judge, the one, the terms, the nature of the tenure, and the other, the means of deciding whether he has failed to fulfil these terms. In other words if we treat the judgeship as a subject of contract between the Crown and the tenant, the Provincial Legislature assumes to pre-