Crown empowered him to control successfully the proceedings of the legislature, while retaining the confidence of his sovereign, to vindicate for the Prime Minister the right to initiate a policy for the conduct of all affairs of State, and to urge the adoption thereof equally upon the Crown and upon Parliament, with the weight and influence appertaining to his responsible office, thereby securing the full and entire acceptance by each of the primary maxims of parliamentary government." (Vol. II., p. 136.)

The above, which prefaces the remarks of the author as to the development and present position of the Premier, gives incidentally a short sketch of the growth of Responsible Government, which is also spoken of in the first volume, with reference to the responsibility of Ministers for acts of the Crown, and in other places throughout the work, and in fact "Responsible" or "Parliamentary" Government are now in a measure synonymous terms, and the history of the former is necessarily included in an enquiry into the latter.

Chapter IV. is devoted to the Ministers of the Crown, concluding with the responsibility of such ministers to Parliament.

Chapter V. speaks of the Departments of State, their constitution and functions. With the next chapter Mr. Todd brings his labours to an end. This chapter is especially interesting to professional readers, and treats of the relation of the judges of the land to the Crown and to Parliament. And here again the author is the first in the field to supply information as to the proper course of procedure in Parliament against delinquent judges.

Some time ago, when speaking of the retirement of Chief Justice Lefroy, and the attacks made upon that venerable Judge, not only outside, but in both Houses of Parliament, we had occasion (2 U. C. L. J., N. S., p. 281) to touch upon the constitutional mode of bringing up the misconduct or incompetency of judges. We had at that time the pleasure of hearing Mr. Todd's (then unpublished) views on this subject. The whole matter is now given to the public in a more full and complete manner, not only with reference to the Judges 'Superior and Inferior' of Great Britain and Ireland, but also to Colonial Judges. Speaking with reference to the latter he says:

"So long as Judges of the Supreme Courts of law in the British Colonies were appointed under the authority of Imperial statute, it was customary for them to receive their appointments during pleasure. Thus, by the Act 4 Geo. IV. c. 96, which was re-enacted by the 9 Geo. IV. c. 83, the Judges of the Supreme Courts in New South Wales and Van Dieman's Land are removable at the will of the crown. And by the Act 6 & 7 Will. IV. c. 17, sec. 5, the Judges of the Supreme Courts of Judicature in the West Indies are appointed to hold office during the pleasure of the crown.

Nevertheless, the great constitutional principle, embodied in the Act of Settlement, that judicial office should be holden upon a permanent tenure, has been practically extended to all Colonial Judges; so far at least as to entitle them to claim protection against arbitrary or unjustifiable deprivation of office, and to forbid their removal for any cause of complaint except after a fair and impartial investigation on the part of the crown.

In 1782 an Imperial statute was passed which contains the following provisions:—That from henceforth no office to be exercised in any British Colony 'shall be granted or grantable by patent for any longer term than during such time as the grantee thereof, or person appointed thereto, shall discharge the duty thereof in person, and behave well therein.' That if any person holding such office shall be wilfully absent from the colony wherein the same ought to be exercised, without a reasonable cause to be allowed by the Governor and Council of the colony, 'or shall neglect the duty of such office, or otherwise misbehave therein, it shall and may be lawful to and for such Governor and Council to remove such person' from the said office: but any person who shall think himself aggrieved by such a decision may appeal to his majesty in council.

This Act still continues in force, and although it does not professedly refer to Colonial Judges, it has been repeatedly decided by the Judicial Committee of the Privy Council to extend to such functionaries. Adverting to this statute, in 1858, in the case of *Robertson* v. *The Governor-General of New South Wales*, the Judicial Committee determined that it 'applies only to offices held by patent, and to offices held for life or for a certain term,' and that an office held merely *durante bene placito* could not be considered as coming within the terms of the Act.

From these decisions two conclusions may be drawn; firstly, that no Colonial Judges can be regarded as holding their offices 'merely' at the pleasure of the crown; and secondly, that, be the nature of their tenure what it may, the statute of the 22 Geo. III. c. 75 confers upon the crown a power of amotion similar to that which corporations possess over their officers, or to the proceedings in England before the Court of Queen's Bench, or the Lord Chancellor, for the removal of judges in the inferior courts for misconduct in office. Under this statute, all Colonial Judges are removable at the discretion of the crown, to be exercised by the Governor and Council of the particular colony, for any cause whatsoever