

by the end of the thirteenth century; and it is one of the great services to the cause of British liberty which we owe to the judges, as distinct from Parliament. How they did it, we do not quite know; perhaps by a cunning use of forms, perhaps by making legal proceedings so dull and intricate, that the King had not the patience to hear them. At any rate they did it, and so effectually, that when James I, some three centuries later, tried to break the rule, he was successfully opposed by the great Sir Edward Coke. But there were two weak spots in the system. Not only did the King appoint his own judges (which was natural), but he appointed them only 'during his pleasure,' *i.e.* subject to dismissal at any moment. Moreover, the chief part of their income was received from fees paid by 'suitors,' *i.e.* the people whose cases were tried. Consequently, the judges could be terrorized by a threat of dismissal, or bribed by a promise of higher fees. This was exactly what happened in the seventeenth century; and it was, perhaps, the worst feature of the Stuart monarchy. But one of the great triumphs of that Revolution which drove James II from the throne was a complete reform in this respect; though it was not made quite secure till the accession of the House of Hanover. Then, in pursuance of the provisions of the Act of Settlement of 1700, the judges' 'commissions,' or appointments, were made 'during good behaviour' (*quam diu bene se gesserint*), and their salaries ascertained and established, *i.e.* secured on the national revenue. Consequently, the judges cannot be dismissed by the King except for actual crime known to the law—nor, indeed, in practice at all, except on the joint request of both Houses of Parliament—while their incomes are independent of royal favour. This second principle has been extended, not only to Scotland and Ireland, but throughout the British Empire, with the priceless result, that British judges are famed, not merely for their learning, but for their independence,