

the judicial bench. As a permanent enactment its effect is precisely the opposite to this. The original intention, so we have been reliably assured, was that it should be quietly dropped out of the statute when the revision should take place. But this intention has not been carried out, the reason in all probability being that those who understood the matter were too busy to think about it, and the revisors, naturally and properly, so far as their duties were concerned, left the statute as they found it.

A moment's reflection will convince any intelligent person that the present effect of the enactment is of the most mischievous character. It actually rewards a judge for his continuance in office after he has become utterly unfitted from age or infirmity for the proper discharge of his duties. If he were to retire upon discovering his infirmity he would receive by way of pension two-thirds of his salary as a judge. If he can manage to hold on for a few years longer, he will receive the full amount of his salary for the rest of his days. Is there a man living to whom this prospect would not present the temptation to continue in active service, although conscious of his unfitness for the performance of its duties? We do not say there may not be men who would be capable of resisting such a temptation. Doubt! as there are many. But human nature being what it is, we believe that men of such character are in the minority. We are quite convinced that instances can be discovered in more than one province of the Dominion in which this statute in its present form is having the effect of keeping in active judicial service some, who but for the provisions of this law would have retired on their pensions and allowed their places to be filled with occupants better able than they are to satisfy the wishes of the profession and the requirements of the public. The subject is a delicate one and naturally those who are aware of such cases shrink from the discussion of them. But it is a duty devolving upon organs of professional opinion to present the facts.

There are two modes by which the present condition of things could be remedied. The simple repeal of the statute would remove the temptation that it holds out and would be a partial