mons of the United Kingdom, to impeach the accused," &c. (p. 501). And again, on page 49, he says: "In impeachments, the Commons, as the great representative inquest of the nation, first find the crime, and then as prosecutors support their charge before the Lords"

So in the United States. By the constitution of that country, it is declared that "the House of Representatives shall have the sole power of impeachment," and the practice there is similar to that which prevails in England—the Senate exercising the functions of the House of Lords.

These extracts indicate the practice heretofore established in conducting impeachments; and they should, we think, have been carefully considered before this case was sent to the Court of Impeachment. In Judge Hughes's case, the Crown was in no way represented—the prosecution was left to the dubious disinterestedness and solvency of a private prosecutor, who, we are informed, is the agent of a foreign corporation carrying on the business of an express company at St. Thomas.

The precedent is a bad one; but we hope, for the honor of the Crown, and for the protection of County Judges, that it will not be followed in any future cases. The impeachment of a Judge or public officer is a criminal proceeding, and is always conducted in England and the United States as a public prosecution. The wrong complained of is treated as a wrong against the whole community, and is prosecuted by the representatives of the nation as public prosecutors. So in ordinary criminal proceedings; the meanest offender is proceeded against by the Crown, "because the King," as Blackstone says, "in whom centres the majesty of the whole community, is supposed by the law to be the person injured by every infraction of the public rights belonging to that community, and is therefore the proper prosecutor for every offence."

Now, why should the prosecution of a County Judge be treated differently? If he misbehaves in his office, he is guilty of a wrong which affects the whole community; and taking into account the dignity of his office, and the power and influence he wields, it is due to both Crown and people that his wrong-doing should be complained of by the Crown, and his impeachment conducted by the Attorney-General, or in his behalf. Besides, in the administration of justice, a judge necessarily comes into antagonism with the vices and aims of suitors; and we unhesitatingly say that as against the disappointed spleen of defeated litigants, and the envy of unprincipled aspirants or inefficient practitioners, he is entitled as of right to the protection which the honor of the Crown assures to him,—that in his impeachment no personal malice or private envy shall influence the fair trial of the charges preferred against him. The law gives the Crown the power to find a true bill against the Judge. Like the House of Commons, it must first find the crime; and then, as the public prosecutor, it should support its finding before the Court whose jurisdiction it has invoked. This view of the law and practice of impeachment was, we understand, taken by Mr. Chief Justice Draper in this case.

As to the particular case of Judge Hughes, we cannot say that the Government has exercised a wise discretion in sending him before the Court of Impeachment. The Act says that the jurisdiction of the Court is only to be appealed to in case the Governor finds any complaint against a County Judge *sufficiently sustained*, and *of sufficient moment*, to demand judicial investigation; and after a perusal of the charges and the finding of the Court, we doubt if there will be found many to say that the case was a proper one to invoke the jurisdiction of the second great court of criminal impeachment in this Province.

STATUTES OF LAST SESSION—25 VICTORIA, 1862.

The Session of Parliament just closed has not been as fruitful of legislation as former sessions. Although 109 Acts have been passed, few of them are of public or general interest; they chiefly amend the law as previously existing. The first Act (ch. 1) is *An Act to amend the Act respecting the Militia*, amending the Consolidated Militia Act (Con. Stats. Canada, ch. 35) in a few particulars. It authorizes the raising of the Active Militia or Volunteers, Class A, entitled to receive pay, from 5,000 to 10,000, leaving the number in Class B, in the unlimited discretion of the Commander-in-Chief;—and provides (sec. 10) that the Commander-in-Chief may, in the event of war, raise in addition to the Active and Sedentary Militia of the Province, regiments of Militia by voluntary enlistment for general service during such war, and for a reasonable time after its termination. The Commander-in-Chief may also (s. 11) sanction the organization of associations for purposes drill, and of independent companies of Infantry, composed of of professors, masters or pupils of Universities, Schools or other public institutions, or of persons engaged in or about the same, or of reserve men; but such associations or companies shall not be provided with any clothing or allowance therefor, nor shall they receive pay. In all other respects—especially as to "arms and ammunition" (which words were struck out of the Bill in passing through the House), we presume these associations or companies will be subject to the Militia Law.

Ch. 2 amends chapter 36 of the Con. Stats. Canada, and gives power to Her Majesty's Principal Secretary of State for War to construct, hold and work lines of telegraph, for military purposes, over any part of the Province.