

RESIGNATION OF VICE-CHANCELLOR MOWAT.

transplanted from the lobby to the corridor; from the halls of legislation to the halls of justice. One of the objectionable characteristics of the American judicial system, as distinguished from the English, has in this instance been given the weight of a name heretofore regarded as eminently honorable and upright, both from a personal and judicial point of view. This every lover of his country will lament.

Respect for the law is intimately associated with respect for the law-giver or law-administrator. If law is administered by undignified persons, or by those suspected of partisan feelings, the popular mind at least will be prone to regard the law itself as unworthy and partial, and it will fall into general contempt. Loss of respect for the Bench at once weakens the whole framework of society, and woe betide any country whose judges have been subjected to even the breath of suspicion.

This frailty or weakness, it is to be feared, may be thought by the intensely interested public to be general or epidemical. It is deeply to be regretted—very much to be deplored, that the foundations of judicial power have been weakened by the weakness of a weak brother. The remaining pillars of justice will have to be strengthened by some legislative or administrative application, that will prevent political barnacles from wasting away their firmness and stability.

The profession has been wont to admire the Bench as a place of permanent honor and practical usefulness. It will now be subject to the reproach of fickleness and temporizing utility. Many will look upon it as an elevated vantage-ground from which to scan the contending elements of faction, and from which the occupants are prepared to step down into the arena of conflict, when the prospects of extended patronage, or the gratification of a taste vitiated by the expectation of enlarged emoluments are in view.

The profound respect and traditional deference paid to the Court by the Profession would be perceptibly diminished in proportion to the probability that the judge might one day be "your lordship," and the next, "my learned friend;" one day an authority whose oracular dicta would be sustained by the whole civil and military forces of the Empire, and the next day a speaker whose utterances and arguments would be tattered and torn into shreds of illogical incoherencies by his opponents.

The profession, as such, has a special duty to perform between the Bench and the people, than which there is nothing more important for the due and impartial administration of the law. This duty is to maintain and promote before the public a becoming respect for the Court. This educates the popular mind as much or more than anything else. Where this is wanting, regard for the authority of the Court is wanting; and when once that is gone, the strongest element in obedience is destroyed, and insubordination and anarchy are necessary consequences.

We cannot but most seriously regret the resignation of Mr. Mowat, and his immediate acceptance of the position of a political party leader, and the undoubted necessity of accepting the position of practising at the Bar with those whom he formerly presided over as a judge.

We trust this experiment will not be repeated; that the present daring contempt of judicial traditions and judicious rules will not be accepted, or acted upon, as a precedent hereafter. We hope that the public opinion educated, and the professional reprobation almost universally manifested at the act, will for the future prevent political intrigues from culminating in judicial declensions. We know of no precedent to fit this case, though possibly one might be found in the United States, but Heaven forbid that we should seek for one there; any analogy from miscalled precedents in England is against such a step. These may perhaps be considered in a future number.

LAW REFORM.*

It is almost impossible to take up any journal, whether lay or legal, without finding somewhere in it a reference to the topic which we have placed at the head of this article. The alterations which have taken

* We have much pleasure in inserting this article, from the pen of a valued occasional contributor. He expresses his views clearly and well; but whilst we admit this, we cannot say that he has convinced us that the practice in Chancery should prevail, in case of a fusion, over that at Law. We are not yet prepared to believe that the Common Law Procedure Act is inferior to the ever changing orders of the Court of Chancery, as a basis of procedure. And without going into a further discussion at present, it is an item for consideration that the practice under the C. L. P. Act is more familiar with the profession at large than the other, and could, as is believed by many good judges, more easily be adapted to the future requirements of the country, than the practice of equity; but we will not spoil a good cause by a brief notice of only a few of the arguments which may be adduced in favor of the opinion which seems to us the soundest.—Eds. C. L. J.