

ticularly if employed by one or more of those who place him in power.

Now we would ask, is there any show of justice in legislating men out of office as proposed by the second section. If an officer has committed wrong—if he has taken advantage of his position to benefit himself to the detriment of others let him be removed, but do not punish without proof of wrong committed. Do not perhaps ruin a man on fanciful suspicions. To do so would be to form a dangerous precedent; and we hesitate not to say, even supposing it right in the future to disqualify, that it would outrage the principles of justice.

There is a curious provision in the latter part of the 2nd section—viz., that a judge failing to remove a clerk shall be liable to a fine, &c. Mr. Benjamin we are sure did not see the injurious and offensive character of this provision. It would have been well to presume that the judges would do without coercion whatever was enjoined upon them by the Legislature, and in any case the simple requirement would have been sufficient, for a judge failing to meet it would undoubtedly be guilty of a misbehaviour in office.

There is a party in the United States ever ready to assail the judiciary, but in this country we are happy to know such is not the case. We acquit Mr. Benjamin of all intention to cast a slur upon a body of men who are entitled to every consideration in the just discharge of their duties.

As to the 4th and 5th clauses the principle is good but the provision is unnecessarily complicated. Why not allow any one at his own risk to obtain a commission from the clerk in his own locality giving to his adversary notice &c., without bringing both parties to the County Town, and apply in effect the practice of the Superior Courts to the Division Courts.

As to the call for such a bill we never heard of any; and from our position as the only legal periodical in the country, had there been any general or strong feeling in favor of such a move we must have heard of it.

#### ESSEX CONTESTED ELECTION CASE.

We have been requested to make a correction in the report of this case as given in our last number. In the statement, *instead* of the words "The affidavits shewed that he removed himself and his family during the whole fourteen days required for service, &c.," read "The affidavits shewed that he removed himself alone apparently for several days, between 11th and 22nd January, and himself and family from 17th January, during that part of the fourteen days required for service, as reckoned from 7th January the declaration day." Such exchanges as copied the report are requested to notice the correction.

#### THE LAW OF LIBEL.

The following is a copy of the Lord Chief Justice Campbell's Bill to amend the Law of Libel:

"Whereas it is expedient further to amend the Law respecting Libel: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same as follows.

I. No person shall be liable to action, information, or indictment for libel in respect or on account of the publication of any faithful report of the proceedings at any sitting of either House of Parliament at which strangers have been permitted to be present.

II. In an action for an alleged libel, it shall be competent to the defendant, in addition to any other plea which he may now lawfully plead, to plead in bar of the said action, that the alleged libel is the report or part of the report of the proceedings of a public meeting lawfully assembled for a lawful purpose, and that the said report is a faithful report of the said proceedings, and that the plaintiff has sustained no loss or damage by the publication of the said alleged libel.

III. For the purpose of the foregoing enactment a public meeting lawfully assembled for a lawful purpose shall mean a meeting called by the sheriff of a county, the mayor of any city or borough, or other public functionary having authority to convene such meeting, to petition Her Majesty or either house of Parliament, or a meeting for the election of a member or members of Parliament, or a meeting of any council of any city or borough, or a meeting held under authority of any Act of Parliament for imposing any rate or otherwise in relation to the affairs of any parish or other district."

#### IMPRISONMENT FOR DEBT.

The subjoined article, which we take from the *English Law Times*, will be found of interest to us at the present time.

The *Times* has made an extraordinary mistake in attributing to Lord Brougham's Bankruptcy Reform Bill a design to favor debtors. The writer was probably led into this error by seeing that it contains a provision for the abolition of imprisonment for debt, and he jumped at the conclusion that Lord Brougham contemplates the discharge of debtors from all liability beyond the seizure of their property, if they have any, or if it can be found. But that is not the purport of his Bill, and we can venture to assert that it is very far indeed from Lord Brougham's object. His views are in truth very nearly the same as those which we have propounded here as being the principles upon which a good law of bankruptcy should be based: that is to say, that it should be a law for the relief of creditors and the punishment of fraudulent and improvident debtors; that an insolvent is *prima facie* a wrong-doer, on whom should be thrown the onus of proof that he has innocently deprived his neighbour of his property; that punishment in the form of imprisonment should be inflicted for an insolvency that cannot be so vindicated, and a criminal indictment preferred for insolvency tainted with fraud. So far as we can discover from their reported speeches, there is no difference of opinion between the law lords upon these essential foundations of a new law of bankruptcy; and therefore we look confidently to see them embodied in the measure which the Lord Chancellor has announced to be in preparation. It was with extreme pleasure that we read the emphatic condemnation of Lord Campbell of the present state of the law, which is based on precisely the opposite principle to that now recognised: namely, that its object is the relief of debtors, and that the onus