intended to provide against incompetence set aside, and another course adopted for party purposes, which only tends to bring the administration of the law into contempt. Such a course might have intimidated a weaker man to fly from the post of duty, though in my case it only served to strengthen my determination never to yield to menace what a sense of duty had not led me to concede. But I forbear to dwell further on this topic, and I should gladly have avoided it altogether were it not that on this last occasion of addressing you judicially, I feel it due to the Bench and to the law itself to leave on record my protest against a course of proceeding as mischievous as it is unconstitutional."

The security against incompetence on the part of the judiciary to which he refers, is probably the acts of 12 & 13 Wm. III., cap. 2, and 1 Geo. III., cap. 23, from which it may be learned that the constitutional means of removing a Judge from the Bench is by an address to the Crown, moved by both Houses of Parliament. Thus there is given ample protection both to the public and to one who, in the position of a Judge, might reasonably be considered to be subject to improper pressure from a variety of sources—a pressure which it would be sometimes difficult to withstand were it not for the protection thus given combined with that inexorable fidelity to the trust imposed upon them, which has always distinguished the Judges of Great Britain.

The Chief Justice felt bitterly the course that was pursued by the Ministers of the Crown, whose duty it was, if he were shewn to be incompetent or untrustworthy, to remove him; or, on the other hand, to protect him from attacks, if the charges brought against him were not shewn to be sufficient, or founded on fact.

The subject looked upon as part of the constitutional law of the land, is well treated by one thoroughly versed in that branch of legal lore in the following words:—

"The great function of Parliament has been declared to be 'the maintenance of the Law, and the redress of grievances,' (6 Inst. 9 11.)

"The acts of 12 & 13 Wm. III., Cap. 2 and 1 Geo. III., Cap. 23, give power to Parliament to address the Crown for the removal of Judges from offices who are otherwise declared to be immovable, and points to the duty that devolves upon Parliament, to watch the course of the administration of justice. In the words of Sir Robt. Peel, Parliament, 'has not only the right to address the Crown for the removal of a particular Judge, but it has the right of exercising a superintending control over the manner in which they discharge their duties, and to institute enquiries relative thereto.

"But in the discharge of their high inquisitorial functions, Parliament has prescribed for itself certain constitutional rules and limitations to prevent undue encroachment upon the independence of the judicial office; and it devolves upon the advisers of the Crown as those who are peculiarly responsible for preserving the purity of justice inviolate, to guard against the intrusion of party influences in any proceedings of Parliament in matters affecting the administration of the law."

"But complaints to Parliament in respect to the conduct of the judiciary or the decisions of Courts of Justice," says the same writer, "should not be lightly entertained." It therefore becomes of interest to those who feel any interest in such matters, to know how a man of more than "fourscore years" *and ten* would occupy a position requiring the exercise, not only of a good memory, unremitting attention, and great legal knowledge, but also a considerable share of physical strength; and whether the complaints that were made were really founded upon facts which shewed the natural failings of the Chief Justice to be such, that it was incompatible with the public interests that he should any longer retain his seat on the bench.

It would be impossible for us to discuss this part of the subject at any great length. The reasonable conclusion, however, seems to be that there was an undoubted decline in the extraordinary vigor of the learned judge, which, however, contrasted strongly with what he had been than with what would have been expected of a judge of average capacity; a decline which prevented his thoroughly and effectually mastering a case before him, after the bodily and mental fatigue of a comparatively limited number of hours, and that after this time he could not sufficiently apply his mind or his memory to the case in point. But to say that his incompetence, so far as the instances adduced proved it, was such as to demand his instant removal, was, we think, to overstate the case.

Lord Chelmsford, in the debate on the Marquis of Clanricarde's motion, bringing up the alleged incompetence, stated, that from the year 1852 to that time there had been