

" 'It is due to the cause of justice to defend the judges of the land unless we shall be satisfied that their conduct has been corrupt, and their motives dishonest.' "

" In the same debate, Lord John Russell spoke. It was the case of a Liberal statesman resisting an attack on Sir James Scarlett, an old Tory member of the House, who was complained of as having used offensive expressions to a grand jury, and shown great lack of judgment, and, in that trying case, Lord John Russell said :

" 'The independence of the judges is so sacred that nothing but the most imperious necessity should induce the House to adopt the course.' "

The argument of the Minister of Justice was that while Parliament had, at various times, exercised the power of criticizing the *conduct* of judges, as in several cases which had been referred to, there was no instance on record, either in the British Parliament or in any Colonial Parliament, in which the attempt had been made to review the *judgment* of a court. In so far, therefore, as the resolutions in question condemned the court of New Brunswick for putting in force what was admitted to be the law, and in giving sentence in accordance with it, they were without precedent, and their adoption would be a most unsound and undignified departure from constitutional usage, and tend to degrade the judiciary of the country.

Mr. Mills, who argued the case in a manner which contrasted favourably with the vituperative tone of some other speakers, contended broadly for the right of Parliament to criticize and reverse the conduct of the judges, quoting the opinion on this subject of Sir Robert Peel, who, when the conduct of Lord Abinger was brought before the House of Commons, said, speaking of the judges, that Parliament has the "right of exercising a superintending control over the manner in which they discharge their duties, and to institute inquiries relative thereto." On this subject it will be observed that he was answered by the Minister of Justice, who pointed out the distinction between a criticism of the *manner* in which judges exercised their powers and the *judgment* which they might give upon any matter referred to them. This distinction may be noticed not only in the case of Lord Abinger, but in others which Mr. Mills quoted in support of his argument.