

is good behaviour. It is the tenure by which the judges of the Superior Courts now hold office; and the tenure of all judges should be the same. All the arguments in favor of a fixed tenure apply with perhaps greater force to County Judges than to Judges of the Superior Courts—the former being sole judges—being brought into more direct personal contact with litigants, and being in every way more exposed to the shafts of personal and party rancour.

Both classes—Superior and Co. Court Judges—have similar duties, civil and criminal, to perform. The only distinction consisting in the limit as to jurisdiction—but whether jurisdiction covers cases for one hundred or one hundred thousand pounds, can make no difference. The idea of judicial independence has no relation to that of amount of jurisdiction. If the interests of society require this independence in the one case, they must equally require it in another. But it is said that the difficulties in case of impeachment are so great that it would be inexpedient to apply the mode of trial appointed for Superior Court Judges to Judges of County Courts, and therefore the reason of a tenure to the latter during *pleasure*. It is asserted that practically they hold during good behaviour, as they are not removed unless misbehaviour is established. How established, and before whom? Not on public, open trial; before a Court governed by fixed principles—but by a paper trial before the executive of the day, and without those safeguards which are necessary to secure a trial to the satisfaction of the executive, the public or the individual affected. The present system is better calculated to screen misbehaviour than to insure its punishment; it is, except in glaring cases, a weak and an irregular instrument for securing the object it aims at. We have noticed the suggested difficulty, but in reality it is beside the question—it only serves to divert attention from the main proposition. Should Judges be liable to be turned out of office for any cause except misbehaviour or inability?

The *mode* in which misbehaviour or inability is to be ascertained is a minor, a subordinate consideration. Let the power to investigate and adjudge be placed in the hands of one Judge, or of several in existing Courts, or in a special tribunal, (it matters not,) only let a grave enquiry of the kind be

conducted publicly and openly before a suitable tribunal, acting on defined principles, and incapable of being affected by irregular influences.

The Parliament is now in session, and the remedy must proceed from the Legislature. Will it be applied? or will this important matter be crowded out by the thousand and one measures of party, political or local prompting, or laid aside till a more convenient day. Surely it cannot be neglected, for we believe there are not ten intelligent men in the country opposed to a fixed tenure for Judges. Indeed it is difficult to lay hold of anything in the shape of opposing argument, however feeble, with sufficient steadiness for the purpose of discussion.

T. & J. W. JOHNSON & CO'S. PUBLICATIONS—INDEX
TO ENGLISH LAW REPORTS FROM 1813 to 1856.

In referring to Mr. Mowat's lecture in a former number, we took occasion to notice the value to the profession in Canada of American reprints of English works;—and expressed an opinion that unmitigated reprints by *reliable* publishers, with notes from men of recognized ability, were infinitely more valuable to the Canadian lawyer than the English books. We have had occasion lately to examine recent republications by Johnson & Co., Philadelphia, and find in their books additional and very ample evidence of the correctness of our remarks. *Smith's Landlord and Tenant*, by Maule, annotated by Morris; and *Smith's Law of Real Property*, with notes by Rawle: these we mention for example, as the first occurring to us in the numerous list of recent issue by the publishers we have named.

Few can understand the expense, the labor and the enterprise necessary to a prompt and accurate reprint of a law book, the addition of notes and reference to American cases, while adding to the value of such works, must necessarily draw largely on the mental and business resources of annotators and publishers; but Johnson & Co. have proved themselves equal to the arduous undertaking. We have only to point to their advertisement to satisfy our readers of the remarkable promptness with which standard text books and *late English cases* have been reprinted by these eminent publishers.