It would be a waste of space to argue for that which has been *practically* admitted from the time of the Stewarts—long since recognized by the British Parliament, and now universally carried out in every Court of Justice at home—a fixed judicial tenure—but we cannot forbear a few brief quotations, showing the views of great lawyers and statesmen in the neighboring Republic, on "the servile situation of holding the office of Judge at will and caprice."

No more will you see in the administration of Justice those men whose acquirements and talents have called them to eminence at the bar. They will never consent to be the sport and tools and victims and factions. * * * Even mediocrity in the profession will not leave ease and dignified independence for a seat of precarious duration. * * * You must resort to the dregs of the law—to the pests of social life, where you may find impudence without science, zeal without judgment, self-sufficiency without moral principle. * * *

A new way to get rid of a Judge without affecting his independence—touch not the Judge, but slip the office from under him. * * * If the proposed law obtains, they may be put down without trial, to save a miserable farthing. * * *

The Judges hold their office (during good behaviour) for this reason. They are not the depositories of the high prerogatives of Government, &c. They depend entirely on their talents, which is all they have to recommend them: they cannot, therefore, be disposed to pervert their power to improper purposes. What are their duties? To expound and apply the laws. To do this with fidelity and skill requires a length of time. The requisite knowledge is not to be procured in a day. These are the plain and strong reasons, which must strike every one; for the tenure by which Judges hold their office—and they are such as will eternally endure, wherever liberty exists. * * *

I would make the Judges independent of every power on earth, while they behaved themselves. The essential interests—the permanent welfare of society, require this independence—not on account of the Judge, that is a small consideration—but on account of those between whom he is to decide.

If all that is quoted be not applicable to our institutions, the leading principles at least are true, in every country and at all times.

Having now examined one important point—the necessity for an able Judiciary, and the inducement that should be held out to men whose acquirements and talents have called them to eminence at the bar, in connection with the office of local Judge—we proceed to the minor consideration, the rights and claims of the present Judges to increased consideration—other points are involved in the previous consideration—and that on a single ground, as general grounds have been before set down.

In 1841 the maximum salary was fixed at £500. Judges were then allowed to practice, and had only the duties of their *Courts* to perform. They have since been deprived of the right to practice (a proper regulation in itself, though by it many of the Judges lost an increase equal to their salaries), and have, as shown, had numberless additional duties added to the office; duties not contemplated by the legislature at the time the salary was fixed. Their salaries are not now in conformity to the value of the articles of life—the cost of everything is now much increased.

The value in kind of £500 in the present day, £300 would have fully represented in 1841. So if there be applied this test of value, the sum of £700 would be a very inadequate representation of the £500, the original salary.

Their position, then, claims favorable consideration, and their remuneration ought to be made commensurate with their standing and responsibilities, and equal to the necessities of the day. The question is—Would it be just and right to do so? Public opinion, expressed through the leading journals, has declared that it is (the Government admits it), and it is respectfully submitted that we have sustained this declaration by *proofs*.

The legislature must pronounce the verdict, and this matter of *tenure* and *remuneration* may, we feel assured, be confidently trusted to their wisdom and justice.

THE HONOURABLE JAMES BUCHANAN MACAULAY.

It would ill become the only Law Periodical in Upper Canada to remain silent on the retirement of Mr. Chief Justice Macaulay; and yet there is little left for us to say. The public address of the Profession, and the sentiments expressed at the Banquet given by them to the venerated Judge, emphatically declare their profound regret in the severed connection: nor could even the youthful aspirants be kept back from addressing the venerable Magistrate, in terms dictated by a remembrance of his uniform and encouraging kindness towards them. The learning and purity of the Bench immediately concerns the people; "it lies near the foundations of public liberty." "Few Judges have possessed in greater abundance the qualities which inspire confidence and exact respect," and the public did not allow the retiring Chief, whom "men of all parties looked up to as a pattern of judicial purity," to retire from the Bench, which he occupied for twenty-seven years, without the unanimous tribute of public respect he so well deserved.

In him the public have lost an able and upright Minister of Justice, and the Bar a Judge whose kind and courteous bearing encouraged the most timid, and before whom the more practiced advocate found himself at home.

We dare not attempt even a *brief review of Judge* Macaulay's learned expositions of the Law; that must remain for abler hands: and the record of the Courts wherein he presided present ample monuments for science to examine and enjoy.

Uniting an ardent love of justice with diligence and learning; patient and urbane on the Bench; even those whom his reasoning failed to convince