

conceded than an acknowledgment. The broad utility and reasonableness of a release is illustrated by the fact that the trustees' solicitor usually prepares it and the expenses fall on the trust funds.—*Law Times*.

### JUDICIAL TENURE IN ENGLAND.

The recent establishment of two new judgeships has led a writer in the lay press to direct public attention to the fact that there is much misapprehension in reference to the tenure of the judicial office. It is popularly believed that a judge is removable by, and only by, an address of both Houses of Parliament to the Throne, whereas the tenure of judges established under the provisions of the Act of Settlement, which is that of good behaviour (*quam diu se bene gesserint*) instead of at the royal pleasure (*placito rege*), places their dismissal still within the power of the Crown in certain contingencies. Independently of the Parliamentary method of procedure for the removal of a judge under the Act of Settlement, the legal effect of their tenure of office during good behaviour furnishes the Crown with a remedy to which recourse may be had in the event of misbehaviour on the part of those who hold office by this tenure. An opinion of the law officers of the Crown in 1862—Sir William Atherton, who was then Attorney-General, and Sir Roundell Palmer (Lord Chancellor Selborne), who was then Solicitor-General—deals with the circumstances under which a patent office may be revoked. They state, in reference to the kind of misbehaviour by a judge that would be a legal breach of the conditions under which the office is held, that when a public office is held during good behaviour, a power of removal for misbehaviour must exist somewhere, and when it is put in force the tenure of the office is not thereby abridged, but is forfeited and declared vacant for non-performance of the condition on which it was originally conferred. To the same effect Mr. (Lord Chief Justice) Denman stated at the Bar of the House of Commons, when appearing as counsel on behalf of Sir Jonah