

the Parliament independent of the Executive. It is, in fact, I submit, even more important now. . . . In order to make the Supreme Court Bench independent—to be removed above party struggles and party feeling—it must have the salaries of the Judge made independent of Parliamentary vote. . . . If, however, it be held that the defendant is right, and that he still remains a Judge of the Supreme Court Bench, then the dignity and honour and independence of the Supreme Court Bench in New Zealand have vanished.”

(P. 135): “Further, I say it is both for the benefit of Judge Edwards, as well as for the benefit of the Bench and the colony, that these proceedings should have been taken. . . . I submit that it is for the benefit of the colony because, if it be allowable to appoint Supreme Court Judges without a tenure and without a salary, leaving the Judge dependent upon the vote of the House, it is a most unconstitutional position; and, if it be legally possible, it is well that the colony should know it, and that the people should take steps to see that the law is altered.”

EXTRACT FROM STEPHENS'S COMMENTARIES ON THE LAWS OF ENGLAND (6th Ed., Vol. 2,
p. 506, *et. seq.*).

Mr. Serjeant Stephens, in his commentaries on the laws of England, referring to the necessity for securing the absolute independence of the Judges, says: “To the head now under consideration must be also referred the provisions which have been made to secure the dignity and political independence of the Judges. It is enacted by the Statute 12 and 13, Will. III., c. 2, that their commissions shall be made (not as formerly, *durante bene placito*, but during good behaviour, *quandiu bene se gesserint*; but that it may be lawful to remove them on the address of both Houses of Parliament. And afterwards by the Statute of 1 Geo. III., c. 23 (enacted at the earnest recommendation of the King himself from the throne), the Judges are continued in their offices notwithstanding any demise of the Crown, which was formerly held to vacate their seats; and their full salaries also are absolutely secured to them during the continuance of their commissions. It deserves particular remark that in this distinct and separate existence of the judicial power in a peculiar body of men, nominated indeed, but not removable at pleasure by the Crown, *consists one main preservative of the public liberty*; which cannot consist long in any state, unless the administration of common justice be rendered secure from the improper influence of the Executive power, a danger which (as shown by the ‘History of the Court of Star Chamber’) is not by any means imaginary.”

EXTRACT FROM ARTICLE IN “ECONOMIST” (8th JUNE, 1895).

Justice and Politics in Victoria.—“It is unfortunately the fact that the Judges of the County and other subordinate Courts of Victoria are very much at the mercy of whatever political party may hold office, and if some of them have not displayed a striking amount of independence little wonder can be felt. These subordinate Judges hold office during good behaviour. They can, it is true, only be removed upon an address of both Houses of the Legislature, but their salaries are paid out of annual appropriations which are exclusively in the power of the Lower House. The Law Officers of the Government, who have to put the salaries of these Judges upon the estimates, as well as the Premier himself, often practice in the Insolvency and other Courts, and the Judges are therefore very much in the hands of politicians. And yet they are to some extent the tribunals by which the rights of English and colonial creditors are supposed to be protected. In these circumstances one cannot but feel grateful for the side-light which has been thrown upon the system by Judge Molesworth, as reported in the Melbourne papers. . . . Public attention has been called to this subject none too soon, and if the Victorian legislators are wise and self-respecting they will lose no time in putting an end to a system which is little creditable to the public life of the colony.”

NOTE.—In New Zealand, District Court Judges hold office during the pleasure of the Government.

ADDRESS ON BEHALF OF THE VICTORIAN BAR.

The Melbourne Bar assembled in full force at the Supreme Court, Melbourne, on the 26th July last, to bid farewell to Mr. Justice Hood, who was about to visit Europe for the benefit of his health. Mr. Purves, Q.C., in the course of his address on behalf of the Bar, spoke as follows: “Now, I occupy perhaps as independent a position as any man can possibly claim to do, and I am one of the strongest and perhaps earliest advocates of retrenchment in all branches of the public service. In connection with your temporary retirement and well-deserved holiday that subject necessarily crops up, and I may say here now—doubtless these words may be reported, and, I trust, considered—that retrenchment in a proper fashion, and in a reasonable degree, will always be advocated by me, and I think by the profession; but there is retrenchment and retrenchment, and, in regard to the position which you and your fellow Judges occupy, you and each of you, as I know by my personal knowledge, have accepted it at a great personal and pecuniary sacrifice. You are supposed by so doing to have secured for yourselves not merely a large stipend, but a sufficient provision to render you absolutely independent. In the case of the individual Judges who now sit on the Bench we know that their courage, integrity, and honour would be sufficient to prevent any possible danger in the direction I indicate; but inasmuch as we have to regard, not merely the individuality of the Judges, but also the office which they fill, I may say here, and I believe my colleagues will agree with me, that a *high, courageous, and independent Bench is the very centre of our national existence*. It is the standard by which we are judged by those who have to enter into relations with us. The outside world and commercial people in other countries look to our Bench, and that Bench is different from any other portion of the great machinery that we require to manage our national affairs. It is and should be a permanent institution, and it is secluded and apart from every other institution in the State. It differs from every other branch of the government of the State in this: that you have to exercise your mental faculties to administer the laws that are provided by Parliament, and to administer them in the interests of the general people, and to enable you to do this you should be unfettered and untrammelled, and should be relieved from any of those pecuniary anxieties which have lately pressed so much on all other members of the community. You should be, as you are, honest, independent, courageous; but, in addition to that, in order