

THE WEEK.

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THE WEEK: C. BLACKETT ROBINSON, MANAGER.

Current Topics.

The Senate Revival.

Every careful observer of the Canadian Senate during the present session must have noticed its unwonted alacrity and energy in the despatch of business, and its increased disposition to take a statesmanlike view of public questions. As there is very little change in its personnel, the renaissance must be due to some other cause. A probable solution seems to be an intention on the part of Mr. Laurier to magnify rather than minimize the Senate's constitutional functions, and to increase its utility rather than promote its extinction. It is, perhaps, not too much to say that the improvement which has taken place is to a considerable extent due to the admirable leadership of the two venerable knights who are mainly responsible for the way in which the Senate does its work. Sir Oliver Mowat, who leads the Ministerial contingent, occupies a position sufficiently difficult to tax even his ability, ingenuity, and tact. He has the Government measures to pilot through a legislative chamber in which the Opposition has a majority of four to one, and he has so far done this in such a way as to enhance his already high reputation. Equally difficult is the task assigned to Sir Mackenzie Bowell, and he has so far performed it with equal success. It is comparatively easy for an Opposition leader to criticise Government measures and to suggest amendments to them when he is not in a position to dictate even if he desired to do so; it is by no means easy for the leader of an Opposition that is overwhelmingly strong in voting power to avoid even the appearance of dictation while he is simply expressing the critical opinions of his own side of the House. The way in which these veteran politicians meet each other in the legislative arena is a lesson to younger public men, and a source of satisfaction to all who are interested in the efficient working of our constitution.

The Supreme Court.

An excellent specimen of the good work which the Senate might do, and apparently intends to do, is the Government measure to increase the efficiency of the Supreme Court of Canada. During the twenty years of its existence that tribunal has not won its way to public favour, and has not secured public confidence, to the extent that was expected when it was created. The best proof of this is the frequency of the appeals from Canadian Courts, including itself, to the Judicial Committee of the Privy Council. There are several obvious causes for the unsatisfactory position of the Supreme Court, and the measure above referred to was framed to remove one of these. No adequate means of retiring aged or infirm members of the Bench having been provided, it is not surprising that the efficiency of the tribunal should be at times impaired through the physical weakness of some of the judges. This is exceptionally the case just now. While there are heavy arrears of judicial work two of the judges are off duty from ill-health. In a short time one of the younger and more energetic of them will be called away to fill for an indefinite time an important diplomatic position. Sir Oliver Mowat, as Minister of Justice, proposed to the Senate the strengthening of the Supreme Court by the temporary addition of judges *ad hoc*, when such a congested condition arises, and a bill to authorize this form of relief has been adopted unanimously, the framer of the measure having in the course of its progress accepted several important amendments suggested by members of the Opposition. As it now stands, the bill provides that the remedy shall apply only to the present crisis, and that the judges *ad hoc* shall be selected from among the most eminent members of the respective Provincial benches.

Needed Reforms.

It is reasonable to hope that under its present auspices the Senate will continue the good work thus begun, and that Sir Oliver Mowat will bring to bear on the permanent improvement of the Supreme Court his long and varied experience as a judge of one of our superior courts and as Attorney-General of this Province. Some means of securing the enforced retirement of judges who, while physically unfit to discharge their duties, persist in retaining their positions, should be provided by Parliament. The law's delay is bad enough at the best; when it is due to chronic physical infirmity on the part of the judiciary it becomes a grave public danger and an intolerable public scandal. But to say this is to suggest, what must be patent to Senators themselves, that their own Chamber is open to a similar criticism. The duties of a legislator are not less important than those of a judge, and their efficient discharge calls for the exercise of quite as high an order of mental and physical power. What more important task can the Senate undertake than such a reform of its own constitution as will tend to make it more efficient and to redeem it from the public contempt into which it has to some extent fallen? It is vain to expect members of the Senate to resign life positions, and therefore membership should not be for life. Appointment by the Crown is apt to