who might be chosen directly from the Bench, or be retired chiefs or judges, or one of whom might be the chief of a new court spoken of hereafter. There is no well-founded objection to four judges sitting in appeal. They are not likely to be equally divided, but if so, the judgment of the Court below would of course stand; in fact, four would generally give a better result than three, in reference to the majority of all the judges concerned.

As to this suggestion of a new court, it it not original on our part, but it is though by some that it would be more desirable to have a fourth court, composed of a Chief Justice and two Puisnes, than to appoint a fourth judge to each of the present courts, on the ground that there would be a waste of judicial strength in four judges hearing and adjudicating on a case of small importance which might well be felt to a less number. On the other hand, however, it is not desirable that a court should always work up to its full strength. It is not usual in England for each of the five judges to give a judgment in any one case. Of course, if the case were very important they would do so, and if they were all agreed, an appeal would scarcely be thought advisable. With a court composed of three judges, as one must frequently and as two may sometimes be absent, it has happened that the judgment of the Court is the decision really of only one man. This is objectionable, and unsatisfactory to the suitor, and is provocative of appeals and continued litigation.

When, however, we consider this difficult subject, we must not lose sight of the fact that in addition to providing for our own Court of Appeal, we must be prepared to send some of our best men to the Supreme Court. We claim the right to send three judges there, and that one of them shall be the chief of that Court. If the Government can secure the services of the present Chief Justice of Ontario it will have done well. We have already expressed what is we believe the general opinion on that point. With regard to his coadjutors from this Province one name immediately presents itself—that of Mr. Justice Strong. Admittedly a man of great talent and learning, and a scientific lawyer, he is undoubtedly one of the best civil law jurists in Canada, and thoroughly familiar with the French language. The great advantages of these qualifications in such a position are obvious. There will be no difficulty in choosing a third man for the Supreme Court Bench.

Supposing some such scheme as has been suggested should be adopted, and that the appointments spoken of should be made to the Supreme Court, the *personnel* of the Court of Error and Appeal would be materially changed. We should still have Mr. Draper as its chief, and when he thinks well to give up work we should naturally expect to see his place filled by the present Chancellor of Ontario. The Chief Justice of the Common Pleas would of course become the Chief Justice of Ontario. It would be idle to speculate as to who would form the rest of the court, and it is not our business to suggest names.

As we understand the rule in England, when a man accepts a puisne judgeship he does so without any hope or expectation that it will be a stepping stone to a higher judicial position, and he is not to feel aggrieved that a junior on the Bench, or that a member of the bar should be apppointed as his chief on a vacancy occurring; at the same time we admit that this rule has not been strictly followed in this country. But it is equally well understood that if the public interests will be best served by the promotion of a puisne judge, the fact of his being a puisne is not to prevent his accepting the higher office. Suppose, for example, the present Chancellor were to