the fees from the courts in India, where stamps used in proceedings are included, yield a surplus revenue to the Government; and we do not see why this revenue should not be drawn upon for the purpose of paying for, or at least contributing to, the expenses of the Judicial Committee. A court consisting of three English lawyers, two Indian Judges, and two colonial judges, would inspire confidence everywhere, and if it sits regularly, as it cannot but do if the members have no other courts to attend to, it will be one of the best courts in the country. Our article has become longer than we thought it would be, and we have therefore been obliged to hurry over the latter portion of it. We trust, however, we have said enough to arouse the serious attention of the legislature to the subject. "Delays are always dangerous," and none the less so in lawsuits. The Judicial Committee, therefore, should be invested with sufficient power to cause as little delay in disposing of the appeals before them as possible; for, as Mr. Gladstone put it, "Justice delayed is justice denied."—*Law Magazine.*

JUDICIAL DEBATE.

One of the peculiarities in the English system worthy of the attention of the Judicature Commission, and likely to meet with consideration in their report, is the difference between the administration of common law and equity in the number of the Judges constituting a court. The late addition to the Bench in the common law courts makes this difference more striking at the present than at any former time. It is true that this sixth Judge in each of the Queen's Bench, Exchequer, and Common Pleas, has not been created for the purpose of the legal business of the court as carried on between Crown and subject, and between subject and subject, but rather to give a legal character to an investigation which, although professedly judicial, was fast degenerating into a Parliamentary repetition of the struggle at at the hustings. Still, the additional Judge will be available for the trial of causes, particularly when they are of a difficult character. While this is the case in the common law courts, five of the equity courts are presided over by a single Judge, with the privilage, rarely exercised, of obtaining the aid of an assessor from the other bench; and the sixth equity court has only two Judges, who, however, may sit apart to determine a large part of the matters within their jurisdiction. On the whole there is presented the noteworthy feature of contrast in our judicature, that notwithstanding the two classes of courts have in many respects a concurrent jurisdiction, the one class consists of three courts with six Judges each, the other class of five courts with one Judge each, and another with two Judges, or, as the class may be described for some purposes, of seven courts with a single Judge each.

To which mode of constituting a court will the commissioners give the preference? When three or four judgments from the same bench are concurrent, the benefit generally in settling the law will be admitted. But it is not all gain. A chief of vigorous intellect and powerful mind will sometimes unduly sway a puisne of greater learning than steadfastness. Sometimes again, a successful politician, when promoted over the heads of better men, is content to pick up his law from his younger brothers, and clothe it with his own eloquence. Not every judgment which bears a show of unanimity is thought out on a well-balanced comparison of opinions, and a gradual reasoning away of differences by a common ascertainment of principles. Love of ease, too, will play its part. So it happens that in some instances the ostensible agreement of three or four is of no more intrinsic value than the decision of one. Not always on the bench is it true that *l'union fait la force.*

The strength of a court of a plurality of members may lie in its division as much as in its accord. Where the Judges differ and each delivers his opinion, based on principle and authority, a point of law is secured the fullest and soundest discussion of which it is capable. True, it has been discussed in like manner on the floor of the court, and it may be objected that the suitor craves judgment; but there is this difference that the debate by counsel is advocacy, the argument by the judge is conviction. But what is the practical fruit? Not that of a kind always acceptable to the suitor, but very acceptable to those whose future fortunes depend on the ultimate result; very acceptable to the community, in respect of whom a settlement of the law is of more importance than delay or harass to the particular litigant. In other words, contrariety of opinion in the inferior court prepares the way for a solemn and final determination by the court of appeal. That is one great service rendered by a court of numerous judges.

But our courts of appeal themselves consist of numerous judges. The Chancery Court of Appeal has three, though they are not bound to sit together, and do so only in the more difficult cases. The Exchequer Chamber and the House of Lords are notably courts of numerous members. But it would be a great mistake to apply them indiscriminately the theory of advantage from conflict of opinion on the Bench. To the full appeal court in Chancery, and the Exchequer Chamber the theory may be applied, for there remains the House of Lords to give certitude to the law. But to the House of Lords itself the theory has no application at all. Fortunately in the highest court of appeal in another jurisdiction, the Judicial Committee of the Privy Council, the observances of that council do not admit of publication of any debate by the members. It is otherwise in the House of Lords; and if, in such a body, anything could add to the inexpediency of indulging in the expression of an-