

THE SUPREME COURT.

We feel bound also to refer to another point which cannot be overlooked, but which we wish to touch upon as lightly as possible, not that any evil *has* resulted, or, we believe, *could* result during the present constitution of the Court as regards its *personnel*. It is, we conceive, contrary to sound policy that any Court which may be called upon to decide questions of Constitutional Law, and to decide Election cases, should live under the shadow of its appointing power. It may be said that this is a purely imaginary evil; but the imagination of such a thing would in itself be a source of evil, and should, if possible, be avoided. It was something of this kind, if we remember correctly, which induced Bismarck to move the Supreme Court of Prussia from any possible influence of this nature. It is, moreover, most wholesome for the Judges themselves (and they will be the first to reiterate these remarks), that they should live in a large rather than in a small city, and be subject to the restraining and beneficial influence of strong public and professional opinion, and surrounded by a large, able and well-trained Bar, and within the precincts, of such a place for example, as Osgoode Hall, replete with the noble traditions of its learned Judges, strong in their integrity and devotion to duty, examples for all time to those who shall occupy judicial positions.

So much for the Court itself and its members. We must also consider the suitors and the Bar. The former have a right to ask the best talent at the Bar to conduct their cases before the Court of final resort, but the circumstance of that Court being at Ottawa is often too strong for them. For example, a suitor in one of the Maritime Provinces would naturally wish to have his case presented by one of the best men there; but this would entail a very heavy expense, so that he is

compelled to employ counsel residing at Ottawa, where the choice is necessarily limited. If the Court were at Toronto instead, he could secure the services of some of the most eminent men in the Dominion for a sum, which, in comparison to bringing counsel from Halifax, &c., would be trifling. In any case, Toronto would be, for all practical purposes, as near to them as Ottawa.

A consideration of these things would seem to point to one conclusion, and that is, the advisability of a removal of the headquarters of the Supreme Court from Ottawa to some more desirable place. Our Quebec friends would naturally prefer to see it in Montreal, but they are far too liberal to allow anything of a dog-in-the-manger policy to influence them, if they are convinced that any change should be made. We understand, moreover, that several eminent men from that Province have already said that if the choice lay between Ottawa and Toronto, they would prefer the latter. Both cities are in the Province of Ontario, and the further distance to Toronto would surely be counterbalanced by the many disadvantages incident to remaining at the present capital of the Dominion.

Our wish, however, at present is not so much to speak of the place where the Court should be placed, but to show some good reasons for a change from its present location. Anything which can, even in a slight degree, affect the well being of this Court must be of interest, not merely to the profession but to the public. We have not by any means exhausted the subject, and have hardly more than touched upon the negative side of the case. But we think we have suggested a few thoughts for the consideration of those who are responsible for the well being of the highest Court of our Dominion.