

THE SUPREME COURT.

be the best in the country, being those of the highest Court, have now assumed an appearance very like the English models. The courteous and energetic registrar of the Court, who is responsible for the publishing, is to be congratulated upon this. We understand that applications and subscriptions for these reports are to be sent to Mr. Cassels direct.

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We shall not be accused of speaking evil of dignities, when we refer to the feeling which has arisen against the Supreme Court, inasmuch as expression has been given to it on several occasions in the halls of Parliament itself.

Nor do we refer to these complaints, except so far as a useful purpose would seem to be served by so doing. Some of the matters complained of are things of the past, and some are unworthy of notice in a legal journal. The attempts that have been made to do away with the Supreme Court have come to nothing, and Parliament has unmistakeably pronounced it to be a necessary incident of Confederation. In this state of affairs it is in the interest, both of the profession and of the public, to consider some of the causes which do at the present time, or which may in the future, interfere with its usefulness. If the difficulties thus presenting themselves seem to point to any particular mode in which a change can beneficially be made, it will be for others to take the matter up, and, if possible, apply an appropriate remedy.

Under the most favourable circumstances the Court has much to contend with. Its members are called together from the four quarters of the Dominion; from Provinces having different systems of laws, different legal traditions, different practice, and one of them speaking a different language from the others.

It is not, therefore, much to be wondered at if there is some want of homogeneity in the Court. So long as the same Judges remain together, there may in this be a gradual improvement. But here, again, the Judges are placed at a disadvantage. In Toronto, Montreal, and the capitals of the different Provinces, there are large and strong Bars, and a large and learned Bench; and this is especially so in Toronto, where there are congregated, at Osgoode Hall, no less than nine Judges of Superior Courts, and four Appellate Judges—thirteen in all. It is impossible to estimate, and unnecessary for us to enlarge upon the benefits derivable from assistance and attrition of that kind. In Ottawa, of course, the Judges are deprived almost entirely of this advantage.

A difficulty of much practical importance will from time to time be felt so long as the sittings of the Court are held, and the Judges are compelled to reside at Ottawa; and that is, the difficulty of obtaining for the Supreme Court Bench the best available talent. Men will not, as a rule, break up their establishments, scatter their families, and leave their friends to live in an out-of-the-way, and to them uncongenial place like Ottawa; the only countervailing inducements being a small increase of salary, and a name, which may be much to the few, but little to the many, in comparison to the disadvantages and discomforts. It is unnecessary to dilate upon the results which would flow from an inferiority in point of talent of those composing the Court of last resort. We are not, of course, speaking of those at present on the Bench, but of those who may be appointed after the glamour of the thing has disappeared, and possible recipients of the honour thoroughly understand how much they have to give up and how little they get in return.