

culty which now exists was not apprehended when the arrangement was made.

But, whatever the motives of the framers of our constitution may have been, the results have not been satisfactory. The personnel of the Bench has not been maintained at any higher level, either as regards the standing or ability of the judges, than before Confederation; the exercise of patronage has gone more than ever in political channels, and there seems no prospect of the settlement of the question of remuneration. Under these circumstances would it not be better to go back to pre-confederation times, and let the government of each Province appoint the judges of their respective courts, giving them such remuneration as the work they have to do and the finances of the Province would justify. Public opinion would have at least as much influence in controlling appointments to the Bench as it has at present; and the Attorney-General of Ontario, or of any Province, would probably be better able to advise the Lieutenant-Governor as to the members of the Provincial Bar best qualified for the position of judges than would the Minister of Justice to advise the Governor-General on the same subject, and the political pull would be no more potent in the one case than in the other.

Then again the courts of the Provinces being independent of each other, the statute law coming from independent legislatures the whole control of property and civil rights being with the Provincial government, the administration of justice, including the constitution, maintenance, and organization of Provincial courts, both civil and criminal, and the procedure therein—everything, in fact, bearing upon the administration of justice, except the enactment of criminal law, being administered by Provincial authority, it does seem anomalous that the officers who are to interpret and execute the law should be appointed by an authority which has nothing to say as to what those laws should be, or the machinery by which they are to be carried into effect. No such anomaly exists in any other department of government. Why then should it be continued in this, the most important of all, contrary alike to reason and precedent, especially when experience shews that it has not been attended with such satisfactory results as to justify so exceptional a case?

The Supreme Court, being a Dominion and not a Provincial Court, is properly under Dominion control, and by the Dominion