

concerned, there would be fewer differences of opinion if there were that free interchange of thought among the judges which is usual in other courts. What the public want and what is best for litigants is a decision as final as possible. Appeals are encouraged by dissenting opinion. The judgment of the court should be the opinion of the majority. The views of the minority judges, though very interesting to themselves, are, in the above connection, of no value to the public, and injurious rather than otherwise.

If the Court is to be continued (the wisdom of which may be questioned) it must be reorganized, and the judges selected from the very best men at the Bar, regardless of provinces, politics or party. Political claims have been disregarded by strong governments before now in this country, and should always be disregarded. This is the rule rather than the exception in England and notably so in reference to several appointments recently made. A legal contemporary in the United States says: "Non-partizanship has for some time been making progress in respect to judicial offices in this country. It has now extended beyond such offices to all municipal offices." And this is illustrated by the fact that two important positions have recently been given to Democrats by a Republican President.

If necessary—and there is a necessity, which might as well be faced and acted upon at once—salaries must be paid which will induce the leaders of the Bar to go on the Supreme Court Bench. At present they will not, and cannot be expected to give up their larger emoluments at the Bar, especially if they have to leave their old homes and associations and reside in a strange place. The position must be made a prize instead of being a sacrifice.

Those who think that the Supreme Court has outlived its usefulness, or that it is, for other reasons, an unnecessary expense, may in the consideration of this subject call attention to the undoubted fact that the Judicial Committee of the Privy Council has been enormously strengthened of late years and now comprises the best legal talent and greatest judicial capacity which the Empire can afford. Such was not the case when the Supreme Court of Canada was first established.

If the court cannot be so reorganized as to command the confidence of the profession and the public let it be abolished, and let appeals be made direct to the Privy Council. The inherent difficulties of forming a satisfactory Court of Appeal for the whole