

*THE SUPREME COURT OF CANADA*

At the late session of the Parliament of Canada there was introduced in the Senate by the Minister of Justice "a bill to provide for the appointment of temporary judges to the Supreme Court of Canada in certain cases." The bill was considerably modified in its passage through the Upper Chamber, but in the form in which it reached the House of Commons it allowed the appointment of not more than two temporary judges at any one time to the Supreme Court, in case of the absence on account of illness, or on leave, of any judge of that Court, such temporary judges to be taken from the Superior Court judges of Canada, or, if required to replace a Quebec judge, the judge so appointed should be from that province. Such judges might hear any matters except those arising out of parliamentary elections. Senator Gowan, who was the first to speak against the measure, objected to temporary judges being appointed to what is practically a court of last resort for Canada (and in election cases is absolutely so). He remarked that such a course was without precedent and should only be resorted to in a case of strong necessity, and that the number of such judges, and the time for making such appointments, should be limited. These suggestions meeting with the favor of the House, were ultimately accepted by the Minister of Justice and incorporated into the bill.

This bill, as were also all other Government measures except the supply bill, was withdrawn, but as it will probably be introduced next session in the same form, it will be well to consider it in advance, and to look thoroughly into the *raison d'être* of such a measure.

That there should be any necessity for such an Act at once pre-supposes—as Mr. Gowan remarked—a weakness in the Court. What this weakness was, and why it exists, is what now concerns us. The immediate cause was the absence on leave of two judges, one of whom it was then supposed, felt unable to and did not intend to sit again, while yet another judge, it was expected, would be engaged upon the Behring Sea arbitration.

As to why this weakness in the Court exists, we need but to