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Should the Chancellor and Chief Justice Falconbridge act on the Royal Commission to try the bribery charges against a member of the Government of Ontario, as it is said they will, the present congestion in the litigation of the country will be much increased. Mr. Justice Robertson and Mr. Justice Lount are both absent. The six months' leave of the former has, we believe, expired, but whether he will return to work is not yet announced. The health of Mr. Justice Lount is, we regret to say, still in an unsatisfactory condition and his return cannot be expected for some time to come. Mr. Justice Ferguson is back at work, but it would be impossible for him to attempt anything in the nature of extra work. The loss of the services of two more judges at the present would be serious. The circuits are beginning, and the absence of so many judges must of necessity cause delays and loss to litigants.

It may not be out of place here to remark that the Divisional Courts ought to sit with three judges. As a rule now-a-days the number is reduced to two. This occasionally requires cases to be re-argued as some times the judges differ in opinion. The provision of the Judicature Act is as follows: "Every Divisional Court of the High Court shall be composed of three judges unless from illness or other unavoidable cause a third cannot be obtained, in which case it may be composed of two members, provided that in case of divided opinion upon any matter argued, the same shall, at the election of either party, be reargued before a Court of three members." As to the words "unavoidable cause," there may be a question whether they cover the case of the absence of judges undertaking work outside the regular official duties, for it must be remembered that although they are selected because they are judges of eminence, they do not act as judges compellable to do duty as such, but as commissioners. If they do take the burden of this enquiry it will doubtless be because they consider they ought so to do for the public benefit. There are, however, many who doubt the wisdom of such action, and who for many reasons will regret that such a decision should have been arrived at.