

THE SUPREME COURT.

ment in the cases argued has affected to a great extent the usefulness of the Court, and has been a serious prejudice to suitors and the public. There should be no greater difficulty in disposing of the business than is experienced by the courts of first resort and the Court of Appeal for Ontario. At present, the Court holds but two sessions in the year for the hearing and determining appeals. It is true that the Court may adjourn any session, or may be specially convened, but there is no compulsion about it. This must occasionally cause delays. It certainly would accelerate business if there were four sessions in the year—that is, one in April and one in October in addition to the two now held, in January and June.

It is rather too soon to express an opinion ; but, so far as we can judge, another improvement might be effected by having fixed sittings of the Exchequer Court, at Toronto, Ottawa, Quebec, Halifax and Fredericton, for the trial and hearing of causes, with some provision for the filing of pleadings, etc., with Deputy-Registrars in those cities. This would be a convenience to the profession, and if the business of the Court increases, as it eventually must, something of this nature will certainly be desirable. At present, however, the Court has scarcely enough work to do to keep the rust away. It is generally admitted that a busy man does his work better and more quickly than an idle man. It would be well, therefore, that all revenue cases should be brought in this Court, which is the appropriate forum, and not sent to over-worked Provincial Courts.

There yet remains another matter connected with the administration of justice in the Supreme Court, to which we feel compelled to call attention, and that is the provision of the Act which says that the Judges "shall reside at the City of

Ottawa, or within five miles thereof." This may seem at first blush an unnecessary interference with the "liberty of the subject ;" and it may be urged with some plausibility that it would be as well for judges to reside in the larger cities, the seats of law and learning in the different Provinces from which they have been drawn, and thereby keep up more efficiently their knowledge of the varying laws of these places ; and, moreover, prevent the necessity for those appointed to the Supreme Court of breaking up their homes and emigrating to Ottawa ; a necessity which might, in certain cases, prevent some excellent men from going on that Bench. Whilst there is some force in this argument, we cannot shut our eyes to the fact that centralization is essential to the making of good lawyers and satisfactory judges. Decentralization, such as is the practice in Lower Canada, has worked most injurious results, as all admit. It is, moreover, absolutely necessary in a Court of Appeal, that its judges should have every opportunity of conferring with each other on the various points arising in cases before them in all their details. It is not satisfactory that they should hear the arguments together, and then separate and prepare their judgments without that attrition of mind so necessary to a full elucidation of difficulties. A view might strike one, which, if communicated to his brethren, might clear up a doubt, which would otherwise result in a dissenting opinion, or possibly a majority opinion might result the other way if the different views of the judges were communicated to each other, and carefully argued between them. What is wanted in a Court of final resort is not a series of long judgments from each member of the Court, each having gone off on his own tack, leaving it to the reader to find out as best he may the points wherein they agree,