

ion, must be presumed to have the same motive for the furtherance of justice; and no good reason would seem to exclude his participation in a decision the object of which was to sustain truth and right. He is frequently able to throw more light on the case than the advocates employed, and his colleagues are always ready enough to take a different view from him, if impressed with the belief that his theory or its application has been erroneous; nor is it unusual for a Judge to change his first impression, and his final deliberate opinion ought to be at least as good and to count for as much as that of another Judge. A consultation of Judges is certainly desirable to settle points tending to render uniform the course of decisions in the same Court.

With the adoption of a rule that would tend to restrict the choice of a President in Review, that Court ought as much as possible, or as convenience admitted, to be composed of all the Judges who administer justice within the division where the Court of Review has jurisdiction, so as to allow the ideas of all the Judges to react on each other, and thus to evolve a uniformity binding on the whole.

It is urged that the city Judges have superior advantages of experience and convenience in regard to consulting authorities, but such a Review would obviate these defects by affording the Judges from the country the opportunities now wanting to them.

As regards the ideas that have got abroad respecting decentralisation, the original design when the present location of the Courts and Judges was established, was not merely the scattering of the Judges into the country parts, but more essentially the bringing of justice to every man's door, that is, bringing the Courts within convenient distance of all the inhabitants of the Province. In this sense decentralisation of the administration of justice was urgently called for, and had become a necessity at the time of its introduction; it is more so than ever at the present day; but when the Legislature has prescribed the duties of the Judge, and when and where they have to be performed, it has fulfilled its functions, without taking up the question where the Judge has to reside. It is his business to be at hand when and where his duties call him. If he accepts an office that renders necessary his presence at

particular times and places, he is bound to make himself available for these duties or is responsible for failing in their performance. Judges are properly appointed for the Province, their jurisdiction is everywhere within it, and to whatever locality they are assigned for such duties they should see to their performance in that locality: where they lodge or sleep is a secondary matter.

As regards the constitution of the Court of Appeals, I have a strong conviction that it is proficiency in its members, and not addition to their numbers, that is desirable. In matters of skill, science or experience nothing is gained, although much may be lost, by multiplying those who have to deliberate and decide. The well-known opinion of Jeremy Bentham in regard to this is worthy of consideration, but more important still are the views of the late Daniel Webster, of his time the great statesman and jurist of the United States, more particularly enunciated in his speeches on the reorganization of the Supreme Court of the United States, where he so forcibly demonstrates the baneful influence of divided responsibility in a numerous judicial tribunal.

For my own part, I would have more confidence in an appellate tribunal of three than of five, assuming that its members were carefully selected in view of their ability and experience. A court composed of four members has been recommended by high authority as a rational number, judgments to be affirmed when it was equally divided, because they would thus have in their favor a majority of judges. This seems to me to be an unobjectionable court.

As regards the arrears in the Queen's Bench at Montreal, the recent arrangement of Terms will probably overcome the difficulty; it is one inherited by the present judges from their predecessors, and, I think, not increased, but slightly diminished. The delays of *delibérés* have also considerably diminished; although some additional celerity might possibly be obtained by the action of the judges, it would be at the risk of the judgments being more crude and less satisfactory. Whatever additional diligence might be bestowed on the part of the judges, it is to be remarked that this has little to do with the block occurring on the Roll. Very little of the regular Terms is taken up in rendering judgments, for which days