

Appeal would have been unable to prevent the arrears from increasing. An experiment which may have the effect of increasing those arrears is too dangerous to be thought of without dismay. During the last seven years, we have been only able to affect in a very slight degree the multitude of arrears which had then accumulated.

From what I have said of the Court of Review, it will be readily understood that I disapprove of the return to the three judge system. For the immense majority of cases the opinion of one judge is just as good as that of three, and the parties having the right to test in Review the correctness of the opinion of the single judge, it is difficult to understand what would be gained by occupying the time of three, until it is specially required.

The most obvious objection to the three judge system is its expense. This is a matter of moment to the whole country. It becomes impossible to pay a large body of judges salaries sufficient for their position, and unless the judicial office is to be run into the ground here, as it is in France, some means must be devised to raise the salaries of the judges of the Superior Courts of Law. This has been so strongly felt that in Ontario the local legislature has taken upon itself the charge of adding \$1,000 a year to the salaries of the judges of that Province. This is open to serious objection, and the *constitutionality*, if I may use such a word, of the measure, has been vigorously attacked.

A wise legislator will bear in mind that the idea of our judicial position is English and not French, and so are the ideas and habits of expenditure. This has always been the case under the English rule, and it is somewhat curious to know that the judicial salaries were fixed, one hundred years ago, almost exactly at the rate they stand now.

In France there is no great respect for the individual judge. He is not trusted as he is in England, and society seeks to protect itself by numbers. I am strongly persuaded that numbers do not augment the chances of good judgments. I do not believe that any tribunal ever gained force by a number exceeding three or four judges. The reasons for this are very prosaic, and will at once be recognized by those whose duty it has been to deliberate with a

greater number. Numbers stop deliberation and render the result shaky and uncertain. This is not peculiar to Canada. The same will be found in all countries in the world. If any one will scan with care the opinions of "all the judges" in England, he will see how intolerable would be the nuisance of such a combination of talents if it were frequent. The Seigniorial Court was, it is true, somewhat of a subterfuge—a tub to the political whale—and therefore little attention was paid to its composition; but I remember the late Chief Justice Rolland saying to me that it reminded him rather of a Committee passing resolutions than of a Court of Justice.

The very fact of judges being few in number adds to the chances of their being circumspect. The members of a select body are invariably more careful of their reputations than those of a numerous one. The thirty judges of England are known to every educated person in the country, and they have a reputation and a name to earn or to preserve. In France, except in the highest Courts, the thousands of judges are unknown, and none of them can expect to gain judicial celebrity.

Since the judges' salaries were first fixed in this country, their work, as a general rule, has enormously increased, and the cost of all the necessaries of life has augmented in quite as great a proportion. So have the habits of living—those things that come to be necessities—and so also has taxation. Ministers have discovered this fact so far as they are personally concerned; they have greatly increased their own salaries, and have added to their surroundings everything that luxury could suggest. While the legislative branches of government have been stimulated, I might almost say, to extravagance, the judicial branch has been starved and inconvenienced in every shape and way. A reflecting mind will hardly come to the conclusion that this condition expresses the relative value of the two institutions. We probably could better afford to make no more new laws than to leave unexecuted those we have.

The number of judges of the Superior Courts of Law is immense for the population—two judges in the Supreme Court (our supposed representation), six judges of appeal, and 27 judges of the Superior Court, give a total