

## THE SUPREME COURT.

and the commercial treaties with the French Republic. Much care will be required on the part of the compiler of the volume, so that it may not be overloaded by these additions, and, on the other hand, that valuable information may not be omitted. As the statutes are used almost solely by lawyers, magistrates, and municipal officers, information useful in their departments, rather than in the commercial world, should be preferred. The information thus given is a continuation of the volume already compiled and published at Ottawa, giving the Orders in Council having the force of law.

AFTER a person comes to a peaceful end and is decently buried, his reappearance is annoying, and tends to discomfort and confusion. Now, no one can say but what Trinity Term had a decent burial; in fact, as we have shown in a previous number, his obsequies were rather elaborate; why then should his ghastly presence be allowed to annoy us again. He was always a nuisance, and his destruction was hailed with delight by a long-suffering profession. But here he is again, more feeble and objectionable than ever. Oh, that the Attorney-General and the Treasurer of the Province had been leaders at the common law bar instead of the equity bar! Of course no one is benefited by the change, no more business is in fact done; whilst the Judges have to rush back to town in the hottest weather to hear a few savage counsel move a few unimportant rules which the other side is not there to argue. The chiefs of the courts very sensibly stay away; one of the Judges declines further to waste the public time by uselessly donning the purple at 11.55 a.m. and doffing it at 12.05 p.m., and fixes the trial of an election case in the middle of the second week; and so on. Judges, counsel, and attorneys are unnecessarily worried, and the public receives no practical benefit.

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"Whatever is supreme in a state ought to have, as much as possible, its judicial authority so constituted as not only not to depend upon it, but, in some sort, to balance it. It ought to give security to its justice, against its power. It ought to make its judicature, as it were, something exterior to the state."—Edmund Burke, on the French Revolution. Works, vol. 3, p. 506.

THE establishment of a Supreme Court completes the third department of constitutional government in Canada—the judicial; the executive and legislative being usually the elder departments. This court will constitute a tribunal of constitutional jurisprudence, which must have an important influence in the administration of public justice and in legislation within the Dominion.

It has long been a rule of national policy that, for the security of private rights and the administration of the public laws, there should be a judicial department in every well organised government; but statesmen and jurists have differed as to the limit to which the functions of the national judiciary should extend. In England, where the legislative body is itself the constitutional power, Parliament is the supreme judge of the constitutional limit of its own jurisdiction. But where, by a written instrument, the functions of the legislative department of the government are divided between two classes of legislative bodies, each of which is supreme, *quoad* the subjects within its jurisdiction, there is danger, from the artificial or narrow line which divides cognate subjects of legislation, of the laws of one jurisdiction clashing with the laws of the other. This being so, a supreme constitutional authority becomes a necessity as a department of the public government of the nation; and for this, as a part of its high functions, the Supreme Court of Canada comes into existence.

The Supreme Court, as the tribunal of last resort, must occasionally review, either directly or indirectly—independently of the special jurisdiction herein-