

## LIABILITY FOR ACCIDENTS—THE SUPREME COURT OF CANADA.

and recovering a verdict for £5, one is led to wish that the courts would return to the old practice of amercing '*pro falso clamore suo.*' I have reason to believe, and I say it with disgust, that I have more than once been made the unwitting instrument of cheating railway companies; and no counsel who has been concerned in these cases is free from the same unpleasant suspicion.

"One and the same tribunal ought also to hear and determine all claims arising out of the same accident. This alone would do something to moderate the excessive damages often given by juries, each of whom only hear one case, and are not allowed to take notice of the numerous other large claims behind. It would also diminish the expense arising from so many different actions.

"I venture another suggestion. In very many claims for personal injuries by accidents, the amount of damages chiefly depends on whether the injury will be permanent, or whether nature will not remedy it in a few months. On this point it constantly turns whether the damages should be £500 or £2,000. At present the jury have to decide it on conflicting medical opinions, before sufficient time has elapsed to test the permanence of the injury. The verdict is probably for the larger sum, and very soon after the plaintiff will be seen about and as well as if he had never been hurt. It is astonishing what miraculous cures are wrought by a verdict for large damages! I suggest that in all such cases the court ought to have power to adjourn the inquiry for a time in order to test the supposed permanence of the injury upon such terms as might be just. This might sometimes prevent a company from being compelled to pay five times the real amount of damage."

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### THE SUPREME COURT OF CANADA.

We give below *in extenso* the amended Bill on this subject as introduced during the last session of the Dominion Parliament.

This Bill, though altered from that first brought before the House, cannot yet be said to be complete, and we understand that some changes will be made in it before it is again brought forward. Our readers will, however, be glad in the meantime to be in a position to make themselves familiar with the Bill as it stands, and if the careful consideration of this most important and difficult subject results in any useful suggestions, so much the better:

### *An Act to establish a Supreme Court for Canada.*

NOTE.—The clauses and words in brackets [ ] are to originate in Committee of the Whole.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. There is hereby constituted and established, a Court of Common Law and Equity, in and for the Dominion of Canada, which shall be called "The Supreme Court of Canada."

2. The said Court shall be a Court of Record.

#### THE JUDGES.

3. The Court shall consist of a Chief Justice and six Puisne Judges, any five of whom, in the absence of the others of them, may lawfully hold the Court in Term.

4. Her Majesty may appoint, by Letters Patent under the Great Seal of Canada, one person, who is or has been, a Judge of one of the Superior Courts in either of the Provinces of Ontario, Quebec, Nova Scotia, or New Brunswick, or who is a Barrister or Advocate of at least fifteen years' standing at the Bar of any of the said Provinces, to be Chief Justice of the Court, and six persons who are or have been Judges of one of the said Superior Courts, or who are Barristers or Advocates of at least ten years' standing at the Bar of any of the said Provinces, to be Puisne Judges of the Court; and vacancies in any of the said offices shall, from time to time, be filled in like manner.

5. The Chief Justice of the Court shall have rank and precedence over all other Judges in the Dominion, or in any of the Provinces thereof; and the Puisne Judges of the Court shall also take precedence over all other Judges in the Dominion, or in any of the Provinces, except the Chief Justices in the several Provinces and the Chancellor of Upper Canada, and as between themselves according to seniority of appointment.

6. The Judges to be appointed under this Act shall reside at the City of Ottawa or within . . . miles thereof, and shall hold their offices during good behaviour; but the Governor General may remove any Judge upon the address of the Senate and House of Commons.

7. [The salary of the Chief Justice of the said Court shall be ——— dollars per annum, and that of each of the Puisne Judges ——— dollars per annum, and so *pro rata* for any less period than a year during which they shall respectively hold the office, and shall be payable out of the Consolidated Revenue Fund of Canada, next after any sums already charged thereon.]

8. [Whenever any Judge of the said Court has held such office for fifteen years or upwards, or has held such office and the office of Judge of one or more of the Superior Courts