

EDITORIAL NOTES.

ish Colonies." It has, however, taken longer in preparation than we had anticipated, and it would be scarcely worth while to refer to such an important subject during the "dog days;" but when our friends return refreshed from their holidays, we hope to treat it in a manner worthy of its importance. We shall, at the same time draw the attention of those of our readers who have not already perused them to two minor works upon kindred subjects, which have recently appeared, viz: "The Powers of Canadian Parliaments," by Mr. S. J. Watson, and "A Manual of Government in Canada," by D. A. O'Sullivan. The obvious bearing, which the subjects of which they treat have upon the still imperfectly developed constitutional law of the Dominion is quite sufficient reason for a somewhat lengthy notice of their contents in these pages.

The views which we have from time to time advocated in these columns, with reference to the advantages of there being but one judgment embodying the reasons of the Judges sitting in Appeal, have received weighty confirmation on the floor of the Dominion House, as will appear from the following extracts from the speech of the Honourable Edward Blake, delivered on the occasion of the Bill to repeal the Supreme Court:—

"I believe it would be a very great advantage to adopt, to a large extent, the rule of the Privy Council, as the mode of delivering judgment. The opinion of the Appellate Court, which is practically a Court of Final Appeal, should be confined to the precise matter in hand, and any judicial divergence of opinion, or subject not necessary to be decided, should be absolutely eliminated. The course pursued in the Privy Council is well known, I presume, to all lawyers. The Judges, after hearing argument, deliberate at the earliest moment, and, having come to general conclusions, it is ar-

ranged that some one of them shall prepare and deliver the judgment in the particular case. This Judge prepares a draft, conveying, as well as he can, the arguments which have led to the agreed conclusion. The draft is printed and laid before each of the other Judges, who note on it any remarks which may occur to them. If necessary, there is another meeting for deliberation, and the judgment in the end is the general finding of all delivered by one. Thus, instead of uncertainty and confusion in matters which are not necessary for decision being raised by *obiter dicta*, the judgment is confined to the real question in issue; and upon that question it presents the views which are common to the event. I believe such a mode of delivering judgments would have conduced largely to the confidence which should be reposed in the Supreme Court."

Up to this time we do not remember ever having had occasion to object to anything in our valued contemporary the *Albany Law Journal*, which is undoubtedly one of the best conducted legal journals in the United States, as being in bad taste; but we think the reference to the fiasco of the, then, impending prize fight in their issue of the 22nd May is hardly fair. After referring to "dead letter laws" the writer says: "So in regard to the prize fight; it was notorious for some weeks that the principals were in training, and they might have been arrested while on their way to Canada. But nothing of the sort was done, and the ruffians might have pounded themselves to their hearts' contents but for the vigilance of the Canadian authorities." Now, so far, this is all true. The writer might also have referred in this connection to the time when it was notorious for some months that the Fenian ruffians were preparing for a raid on Canada, and actually marched through Buffalo with arms in their hands and flags flying, and they might have been arrested while on their way to