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It has been rumored that it is proposed to appoint some member of the Canadian Bench or Bar to the Judicial Committee of the Privy Council. We much question there being any foundation for this rumor. We also question the desirability of such a step. The very essence of the excellence of this tribunal consists in its supreme indifference and consequent undisputed impartiality in all cases coming before it; and if any such appointment were made, it would necessarily be of our best man, whom we could least spare. In every case that comes before it, the Court is assisted by counsel from the colony from which it comes, and with all the knowledge they possess of the law on which the decision may depend: and there does not appear to have been any complaint of want of ability or of willingness to use that ability, in the Court as now constituted, or any reason for adding a judge whose appointment might be supposed to imply such want in its present members.

The Behring Sea controversy has assumed a new phase by the application made by Mr. Choate, under instructions from Sir John Thompson, at the instance of the Imperial Government, to the Supreme Court of the United States for a writ of prohibition to the District Court, forbidding its execution of the judgment condemning the sealer, *W. P. Sayward*. A correspondent of *The Mail* has shewn by citation from the United States laws that the Supreme Court has the power to issue such writ, "where a state or an ambassador or other public minister, or a consul is a party," the word "state" clearly indicating a foreign state, and not a state of the Union—and Great Britain is such a state and Her Majesty's Attorney-General for Canada a proper authority to convey Her Majesty's instructions to Mr. Choate in this case, the *Sayward* being a British ship owned in Canada. Some doubts have been expressed in the newspapers as to the form of the application or the action of the court, but Mr. Choate is not likely to be wrong on those points. It seems to us that the supposition that the American Government or people can be annoyed at what Sir John Thompson has done is ridiculous, and that no greater compliment could have been paid the Supreme Court or the Government which appointed it than the application in question. Both Americans and Canadians are deeply indebted to Sir John for his suggestion. To suppose that the American Government could, or would if it could, control the action of the court, would be an insult to both and to the law.