

INTRODUCTION TO FIRST EDITION.

By section 101 of the British North America Act, 1867, the Parliament of Canada was authorized to provide for the constitution, maintenance and organization of a general Court of Appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada. Under the power given by this section of the constitution, the Parliament of Canada, on the 8th April, 1875, passed an Act, 38 Vic. c. 11, establishing the Supreme Court of Canada and the Exchequer Court of Canada, the former to have an appellate, civil and criminal jurisdiction within and throughout the Dominion of Canada, and the latter court to exercise concurrent original jurisdiction with the courts of the Provinces in the Dominion of Canada in all cases in which it should be sought to enforce any law of the Dominion relating to the revenue, and in all other suits of a civil nature at common law or equity in which the Crown in the interest of the Dominion should be plaintiff or petitioner, and exclusive or original jurisdiction in all cases in which demand should be made or relief sought in respect of any matter which might in England be the subject of a suit or action in the Court of Exchequer on its revenue side against the Crown, or any officer of the Crown. As the scope of this work is confined entirely to the jurisdiction and practice of the Supreme Court of Canada, no further reference need be made to the Exchequer Court beyond mention of the fact that until the passing of 50-51 Victoria c. 16, the Judges of the Supreme Court were also Judges of the Exchequer Court, each Judge, sitting alone, constituting the latter court, and all the Judges, or at least five, constituting the appellate tribunal.

On the 17th September, 1875, by proclamation, the Act passed on the 8th April preceding, was brought into force as respected the appointment of judges, registrar, clerks, and servants of the court, the organization thereof, and the