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OUR SUPREME COURT.

Judicial organization has always been a source of disquiet in Lower Canada. Two causes have contributed to this. In the first place the mixed population has given rise to different views on the subject. The French mind, more given to logical system, seeks to obtain the nearest possible approach to truth, by referring legal disputes to the arbitrament of a number of specially trained judges; while the English mind hopes to attain the same end by dividing the scientific from the unscientific part of the matter, leaving the former to be decided by one or three judges, and the latter by persons totally unskilled in legal technicalities. To a French jurist a court of five or six judges is scarcely imposing, to an Englishman a court of four judges is suggestive of a committee. There may be exaggeration in both views; but it is not the object here to consider their respective merits. The difference is only referred to as one of the causes of our extreme sensibility about judicial systems. The second cause is more substantial. Lower Canada has never had a satisfactory final appeal. This seems a very terrible thing to say, but it must be followed by what is still more terrible, and that is, that it never can have one that will be perfectly satisfactory. The Privy Council appeal was and is a political necessity; and, as such, its decisions have been received with a certain kind of deference, greater perhaps than their intrinsic merits deserved. It is, in form at least, the decision of the Sovereign, on the advice of the first lawyers in England, and people readily believed that, though lacking a technical knowledge of the civil law, as preserved in the French system, the Lyndhursts, St. Leonards and Wensleydales could hardly make any very serious mistake. The old judicial committee had then something more than *prestige* to make up for its very obvious defect. The alteration in its composition, by the appointment of paid councillors, has, at any rate, destroyed its *prestige*. It would be invidious to carry the comparison further. It would also be unnecessary, for the present composition of the judicial committee was devoted to destruction from its birth. As the paid councillors die off, or retire, their duties are to be performed by Lords of Appeal in Ordinary, so that, sooner or later, we shall have an appeal, not inferior in quality, whatever that may be, to that accorded to litigants in the British Isles. It would remove a grievance, perhaps more theoretical than real, if all the judicial functionaries in the colonies were not expressly declared to be ineligible as Lords Ordinary. Might not the accident of distance be considered protection sufficient against the inroad of a single barbarian? However, it is very hard for those, whose highest appreciations of legal literature are formed from reading Blackstone's commentaries, to believe we know any law at all: but then we are becoming a power in the state. It is only fair to the present judicial committee to add, that their diligence is indisputable, and that their opinions indicate care, and are readable, even when they are not sound.

Another great objection to the appeal to the Privy Council is its expense. Between the suitor and justice, lies open the insatiable maw of the English attorney, who bears very much the same proportion to the timid and conscientious gentleman who leads us through the labyrinths of legal proceedings here, as the man-eater of the jungle does to the domestic cat. To the objection of expense there is an answer of some practical weight: that costs discourage litigation, and that there is no other way of preventing the appeal courts from being clogged with cases than the wholesome terror of the taxing-master. This may be true, and applicable to some extent; but to a rich man or a powerful company, the fear of ruinous litigation frequently serves as a means of extorting from an indigent adversary a settlement which is not just, and, in any case, the costs of appeal to the Privy Council are so enormous as to be almost a denial of justice.

It was this question of expense that really created the Supreme Court. With all the constitutional difficulties before us, it seemed necessary to have an oracle nearer to us than Downing street, and one that would open its lips at a reasonable rate. Seeming necessities