

the Legislature. They appear to be so wrapt up in the daily necessities of their uncertain position as popular representatives as to be incapable of seeing the rights of the class to which they belong; and we would add, so far as the Division Courts extension is concerned, these gentlemen seem quite oblivious to the injurious effects of such legislation as that about to be adopted. It certainly is not very encouraging to those who wish to see the statute book a record of a thoughtful desire to "make haste slowly" to hear, on the one side, a Minister of the Crown say that the only pressure for the extension came from Division Court officers, and, on the other side, to hear the leader of the opposite party, himself a lawyer, declare his desire further to increase the jurisdiction, and apparently to do that which is so expressively crystallised in Western slang, "to go one better."

In Todd's Parliamentary Government of England, the functions of "Her Majesty's Loyal Opposition" are laid down as follows:—

"They are the constitutional critics of all public affairs; and whatever course the Government may pursue they naturally endeavour to find some ground of attack. It is the function of the opposition to state the case against the administration; to say everything which may plausibly be said against every member of the ministry; in short, to constitute a standing censorship of the Government, subjecting all its acts and measure to a close and jealous scrutiny."

It is left to an opposition which styles itself *conservative* (whatever that may mean), to strike out a new line, and overthrow Herod in its destruction of an existing order of things. It is not our province to discuss this subject beyond this limit; but it will scarcely be denied by any one conversant with the subject that one great curse of the country is over-legislation, superinduced by the supposed exigencies of party politics.

There are some who think the best way to improve the Supreme Court would be to improve it off of the face of the earth. We trust some less heroic remedy may be found, though the Court certainly has, both collectively and through some of its members, on several occasions and in various unnecessary ways, endeavoured to commit suicide.

Whilst, however, it has its own sins to answer for, it is not responsible for all the evil things that may have been alleged against it. A case in point is the manifest failure of justice which has occurred in the *cause célèbre* of *Moore v. Connecticut Mutual Life Insurance Company*; a circumstance more to be deplored in that the defendants, who have been, as is generally conceded by the Bar, improperly ordered to pay some twenty-five thousand dollars on a life insurance policy, are an American Company to whom, as strangers, we should have wished to have seen full justice accorded.

The difficulty in this case arose under the wording of the Supreme Court Act and not from any fault of that Court. The jury at the trial were asked a number of questions, which, being answered in favour of the plaintiff, the verdict was entered for her by the Judge. The Court of Queen's Bench set this verdict aside, as being contrary to the weight of evidence, and entered it for the defendants, a course which, as will be seen, eventually shipwrecked the party intended to be benefited. An appeal to the Court of Appeal fell to the ground; the Court being divided.

When the case came before the Supreme Court, it took an unexpected turn, which brought out in strong light the provision of the Supreme Court Act which prevents that Court from ordering a new trial on the weight of evidence. It was held, in the first place,