

tional difficulties have arisen. All the Courts of the provinces have the right to interpret the constitution, and declare an act of any legislative authority in the Dominion *intra* or *ultra vires* as the case may be. They do this in the ordinary process of law, and not under any special power given them by the constitution. The Supreme Court of Canada, however, was established for the purpose of acting as far as possible as a Court of Appeal for the provinces. It is not, however, the ultimate Court of Appeal for the Dominion, since it is the continual practice of the Judicial Committee of the Privy Council to entertain appeals from the Supreme Court, when it is considered any error of law has been made and substantial interests are involved. Indeed, the Court can be considered only a general Court of Appeal for the Dominion itself in a limited sense, since there is in every province the right to appeal from its Appellate Court directly to the Privy Council.^(a) But the general sense of the people is tending more and more to make the Supreme Court, as far as practicable, the ultimate Court of Appeal in all cases involving constitutional issues. It is felt that men, versed in the constitutional law of Canada and of the United States, and acquainted with the history and the methods of government, as well as with the political conditions of the country at large, are more likely to meet satisfactorily the difficulties of the cases as they arise, than European judges who are trained to move in the narrower paths of ordinary statutes. A remarkable assertion of the judicial independence of Canada can be seen in the Act ^(b) passed by the Parliament of the Dominion

(a) Cassell's "Practice of the Supreme Court of Canada," p. 4. *Supra*, p. 137, the copyist gives the number of Supreme Court judges incorrectly; the Court consists of a chief justice and five puisne judges. By Dom. Stat. 50 & 51 Vict. c. 16, all original Exchequer Court jurisdiction is taken from the Supreme Court, and a judge of the Exchequer Court appointed. Appeals are allowed to the Supreme Court, within certain limitations.

(b) Can. Stat., 51 Vict. c. 43. The report of the Canadian Minister of Justice on this Act (which has been allowed), contains a strong assertion of the right of the Canadian Parliament to pass any Act affecting the Royal prerogative, since that body has under the B.N.A. Act, full jurisdiction over the Criminal Law, the