THE SUPREME COURT OF CANADA.

The views of an outsider, unless he is also an onlooker, are apt to be inaccurate; but they have an element of abstraction which may in this case prove an advantage. These views now expressed may have some value and may be suggestive.

The impression is abroad that the Supreme Court of Canada has not taken a position at all comparable to that occupied by the Supreme Court of the United States.

This last mentioned Court has a unique status in the Constitution of the United States. It is part of the machinery of government and forms the judicial counterpoise to the activities of the legislative and executive functions which evolve and enforce the Federal laws. But it has greater claims on our admiration, in that it has maintained a high reputation as an exponent of law and commonsense.

The Supreme Court of Canada is subject to what appears to be a serious disadvantage. It is overshadowed by a Court of equal authority and great prestige to which suitors may resort, either as an alternative or as a further Court of Appeal.

The Judicial Committee of the Privy Council in England has been the final tribunal in practically all the constitutional questions which have agitated Canada. Naturally this has robbed the Supreme Court of Canada of much reputation and has prevented it from becoming a great factor in moulding the political fortunes of Canada in a constitutional sense.

But in another way, differences of method seem to have worked in the same direction. The Judicial Committee's decisions are unanimous, so far as the world knows, while in Canada its highest Court displays in its judgments, both in statement and result, methods that tend to diffuseness. Many of the Judges write opinions of great value but each seems to speak from a different standpoint and to reach his conclusions with a dissimilarity of treatment. This, to an outsider, betrays want of collaboration, which in the highest Court is a distinct and unqualified defect.

How far this is due to racial divergence or to appointments due to territorial representation must be left for Canadians to