

SUPREME COURT TARIFF.

popular feeling of to-day may run in a different direction, is not the question. At the time of the Quebec Convention, in 1864, it was believed that much of the difficulty in the United States arose from the weakness of the general Government, and to obviate the occurrence of such a difficulty in the Dominion it was proposed to strengthen ours. It was therefore that the word "exclusive" is so repeatedly used in sections 91 and 92 in defining the separate powers.

But now it is sought to be inferred that the framers of the Constitution did not know the meaning of the word, in fact, that the word "exclusive" does not mean exclusive. As a matter of history the men who constituted the Conventions are well known. They came not from one Province but from all, and were considered by their several Provinces as men sufficiently competent to be entrusted with the onerous duty they were sent to discharge; but, perhaps, as a matter of history, it may not be known that these two sections, 91 and 92, claim an origin even antecedent to that Convention. In 1839 or 1840 Lord Durham had contemplated the union of Upper and Lower Canada with the Maritime Provinces, and the outlines of a measure had at that time been prepared under his direction, I think by the Hon. Henry Sherwood, Attorney or Solicitor-General. This measure had the benefit of the ability and consideration both of Lord Durham and his able Secretary, Charles Butler, then well known both in Canada and in England. That portion of the draft embracing these two sections was laid before the Quebec Convention in 1864, by Sir John Macdonald as Mr. Sherwood's draft—was fully examined and discussed, and was substantially, if not almost entirely, adopted. In its present form it was for three years under the consideration of the Legislatures of the several Provinces and the Imperial Parliament until its final enactment in 1867. For forty years, from Lord Durham's time down to the present, it has been under the consideration of every leading man in Canada, and of the most distinguished statesmen in England, and it has been at last discovered that not one of them knew the meaning of the word "exclusive."

It may be desirable that this word should be obliterated or modified, but while it lasts let us treat it honestly like an English word. It is this word, in its English sense, which apparently has governed the opinions of the learned judges in British Columbia on the constitutional questions raised in the *Thrasher Case*.

On the reasons assigned in those judgments they must rest. It is to be hoped that in the public interests those reasons may be gravely considered, and that Mr. Todd himself will not too hastily lend the weight of his name to sanction a conclusion which, after more reflection, he may perhaps find he has erroneously formed.

Your obedient servant,

AN EXILE.

Victoria, B.C., May 16th, 1882.

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Some changes have recently been made in the Rules of the Supreme Court as to the tariff, to which it is desirable to call attention. By the item amended by Rule 81, parties were, it is said, frequently paid for work not actually done, or at least paid too much. The work will now be paid for only when necessarily done, and at a reasonable rate. Rule 82 will probably make more general among the profession in Provinces not accustomed to conducting work on the agency plan, the employment of agents. There was an unwillingness on the part of solicitors to employ an agent when no special item in the tariff apparently covered the disbursement they would be put to by so doing. They will now have no excuse for not conducting all their business in the Registrar's office through agents; and solicitors, in rendering bills to clients, will not require to make so many explanations.

These rules are as follows:

RULE 81.—It is hereby ordered that Schedule D. annexed to the Rules of the Supreme Court of Canada be amended as follows:— Instead of the item, "Printed case, per folio of 100 words, including correcting, superintending, printing and all necessary attendances, 30c," the following allowances shall be taxed by the Registrar: For engrossing for printer copy of case as settled, when such engrossed copy necessarily and properly required, per folio of 100 words, 10c.; for correcting and superintending printing, per folio of 100 words, 5c.

RULE 82.—It is hereby ordered that an allowance shall be taxed by the Registrar to the duly entered agent in any appeal, in the discretion of the Registrar, to \$20.00.

These Rules bear date June 3, 1882.

LITTELL'S LIVING AGE.—The numbers of *The Living Age* for the weeks ending 27th May and 3rd June, contain *Ants, Westminster*; Journals of Caroline Fox, *Quarterly*: A Word about America, by Matthew Arnold, *Nineteenth Century*; Across the Yellow Sea, Sunrise and Moonrise, *Blackwood*; Life in Old Florence, *Fraser*; A Little Pilgrim: in the Unseen, *Macmillan*; Boar Hunting in the Ardennes, *Belgravia*; Rossetti, *Athenaeum*; Slavery in Hong Kong, *Spectator*; Emerson, *Saturday Review and Spectator*; The Literature of Tiflis, *Public Opinion*; with instalments of "Lady Jane," "Prudence Hart," and "The Ladies Lindores," and selections of poetry. For fifty-two numbers of sixty-four large pages each (or more than 3,300 pages a year), the subscription price (\$8) is low; while for \$10.50 the publishers offer to send any one of the American \$4 monthlies or weeklies with *The Living Age* for a year, both postpaid. Littell & Co., Boston, are the publishers.