

Correspondence.

THE COURTS OF CANADA AND THEIR NAMES.

The Editor, CANADA LAW JOURNAL:

SIR,—The change made by the Province of Saskatchewan in the constitution, or rather the nomenclature, of its Courts leads one's thoughts to the same subject in connection with other Provinces.

To begin with, all the Provinces should have the same system and the same names to the system. Every step in the direction of uniformity is most desirable. Again, as to nomenclature, Saskatchewan very properly and with some regard to the fitness of things drops the title of "Supreme Court," which expression is inappropriate to provincial Courts, and one wonders how it ever came to be used. The word "Supreme" is only appropriate to the Court of last resort for Canada. A lot of little Supreme Courts has a comical aspect and is related to the injurious advocacy of those who clamour for an undue measure of jurisdiction to the Provinces under the B.N.A. Act; and who, as a political battlecry, use the phrase "provincial rights."

A more appropriate title for our provincial Courts would, I think, be "Superior Courts." This name is given to one of the Courts in Quebec, but there they have put the cart before the horse, for the Court of King's Bench is the highest Court and their "Superior Court" is the inferior Court.

For a suggestion as to the distinction between Courts of first instance and Courts of appeal therefrom, how would it do to have the former styled "Court of King's Bench" and the latter "Court of Appeal," as they now exist in Saskatchewan, or perhaps better have a "Superior Court" of the Province with an Appellate Division and a Division for the adjudication of matters of the first instance under some appropriate title, such as "Trial Courts"? Some might prefer the title "Superior Court" alone, without any Divisions, the judges from time to time making such arrangements as to the trial of cases as would be most convenient under varying circumstances. The various Superior Courts and Divisions in the Province of Ontario with four Chief Justices is almost grotesque; but this has grown up under peculiar circumstances, and as to the plethora of Chiefs, most of these titles will expire automatically by degrees. We are all agreed that one Chief Justice for each Province is quite enough.

Yours, etc.,

NOMEN.

[This subject is referred to in our Editorial Column at p. 201.

—ED. C.L.J.]