

The judgment pronounced in open court and embodied in the formal decree transmitted by the registrar to the court below constitutes the judgment of the Supreme Court on an appeal. If inconsistent with the opinions of the judges when stating the grounds upon which the decision is based the latter must be disregarded. *Canadian Pac. Ry. Co. v. Blain*, 36 S. C. R. 159. Taschereau C.J., and Davies J. *contra*.

(e) and (g) See notes to sections 36 and 44, and p.

(h) was s. 96 of the former Act.

See also Interpretation Act, R. S. [1906] c. 1.

#### THE COURT.

3. The court of common law and equity in and for Canada now existing under the name of the Supreme Court of Canada is hereby continued under that name, as a general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a court of record. 6 E. VII., c. 50, s. 1.

The words "as a general Court of Appeal for Canada and as an additional Court for the better administration of the laws of Canada" were inserted in this section by 6 Ed. VII. c. 50 s. 1.

By section 101 of the British North America Act, it is provided that:

"The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organization of a general Court of Appeal for Canada, and for the establishment of any additional Courts for the better administration of the laws of Canada."

Under this section the Supreme Court of Canada was organized and established in 1875 by 38 V. c. 11. But it can be said to be in only a limited sense a general Court of Appeal for Canada, for the existing right of appeal in the various provinces to the Privy Council has been left untouched. Nor can it be called a final Court of Appeal for Canada, inasmuch as the Privy Council has frequently entertained appeals from its judgments by virtue of the exercise of the royal prerogative. See section 59 and notes. See also Criminal Appeals and notes Part II.