

THE MONETARY TIMES, AND TRADE REVIEW.

With which has been incorporated the "Intercolonial Journal of Commerce" of Montreal, the "Trade Review" of the same city (in 1870), and "The Toronto Journal of Commerce."

ISSUED EVERY FRIDAY MORNING.

SUBSCRIPTION PRICE—POSTAGE PREPAID.
Canadian Subscribers.....\$2 a year.
British ".....10s. sterling a year.
American ".....\$2.50 U.S. Currency

BOOK AND JOB PRINTING A SPECIALTY

Office—No. 64 & 66 Church St. Toronto, Ontario.

EDWD. TROUT, *Manager.*

TORONTO CAN. FRIDAY MAR. 5 1880

THE SUPREME COURT.

The Bill for the abolition of the Supreme and Exchequer Courts, introduced by Mr. Keeler, has been signally rejected by the Commons. It is noteworthy that the votes cast in favor of abolition were considerably fewer than last session. While this is the case, it cannot be denied that both in the House and country there is a strong feeling of dissatisfaction with these Courts. Many who, under the pressure of the influence and opinion of the leading men on both sides of the House voted against the adoption of the Bill did so while still feeling that the complaints made were not altogether unfounded. Many more were not willing to commit themselves to all the consequences of such a measure, though quite free to acknowledge disappointment with the working of the highest tribunal in the country. The leader of the Government himself was by no means eulogistic of the Court, and in a degree defended the policy of such questions being raised in the House for discussion. He is not alone in the opinion that this means of making our judges aware of public feeling, may have a healthy influence upon them.

The age is past, if it ever existed, when the very name of a Court begat veneration. Judges, as well as other men, must win public esteem if they would have it. They must not expect the manner in which they discharge their public duties to be above popular criticism. While Canadians are, with good reason, proud of their judiciary, and ready to yield all honor due to the Courts of the land, their admiration is by no means a blind or unthinking one. Unfortunately would it be for Canada were it otherwise. Even the best of men are none the worse for a constant feeling that their every act is weighed by the unbiassed judgment of a free people.

It would, however, be a most serious mistake to fancy that the admitted partial failure of the Supreme Court to satisfy the popular expectation is wholly, or even principally, at-

tributable to any fault on the part of its members. Indeed, very few of those who complain of the working of the Court base their objections on any such ground. The difficulties in the way of the complete establishment of a Supreme tribunal having jurisdiction over the whole Dominion are many and grave. Not only must it show itself capable of grasping the great questions that grow out of the conflicting interests and usages of widely scattered Provinces, but it is called upon to administer laws dissimilar, not merely in their present form, but in their principles and origin. It is from the Province of Quebec that the main opposition to the Court comes. This is not to be wondered at, because the laws of that Province differ so entirely from those of the other parts of the Dominion. There are only two members of the Court chosen from Quebec; and there can be little doubt that in appeals on questions arising out of the civil law, the decision will practically depend on these two judges. As to the other members of the Court, it must be admitted there is some incongruity in the idea of their sitting in judgment on the decisions of able jurists who have devoted their whole lives to the study and practice of this law. And if, in such cases, the Court is to be governed wholly by two members, we may have the further incongruity of two judges, admittedly eminent, reversing the decisions of a greater number of judges scarcely less eminent.

While all this is true, the considerations in favor of the continuance of the Court are more than sufficient to outweigh all objections to it. The evils which would necessarily follow from a lack of uniformity in judicial decisions in the different Provinces constitute the prime need for such a Court. If Confederation is to be a real success there must be a union in more than name. We require not only common laws, but a common and uniform interpretation and administration of them. Again, one effect of union must necessarily be the gradual assimilation of the laws of the different Provinces, and many of the evils now complained of will thus work their own cure. Time and patience only are needed.

So far as concerns the manner in which the officials of the Court discharge their several duties, the chief complaint has been against unnecessary delays. In this respect there appears to be reason for fault-finding. There cannot be any very good excuse for these delays, as the Court is well known not to have been in any way overworked at any time since its formation. Probably if there had been more work to do, it would have been more promptly done, for nothing appears more provocative of

delay than idleness. If judgments were more promptly rendered, and then not allowed to be forgotten before being reported, one step at least would be taken towards securing for our highest Court that public esteem and confidence which, in the public interest, it should enjoy.

MILITARY EXPENDITURE.

The Adjutant-General of Militia, Lieutenant General Selby Smith, in his report for 1879, sketches more than an ambitious scheme of national defence from the Atlantic Ocean to the Pacific. The office of Adjutant-General of Canadian militia can only be held by a British officer; and it is natural that this functionary should look at the position of Canada in the Empire from an Imperial point of view. It is not surprising if the Canadian point of view does not always coincide with his. The divergence may at any time be seen in the expenditure which the Adjutant-General suggests, and which the Legislature does not always think proper to incur. He is puzzled over the apparent contradiction between the alleged unwillingness of members of Parliament to incur increased expenditure for militia purposes, and the fact that municipalities sometimes supplement Government grants. The inuendo is that Parliament could be induced to grant increased sums, if the Government would only have the courage to ask for them. While it is within the recollection of everybody that one Government lost power in the endeavor to increase the militia expenditure, in accordance with Imperial ideas, another Government is not likely voluntarily to encounter shipwreck on the same rock. If Lieutenant General Selby Smith would recall this disaster to mind, the mystery with which he is perplexed would be explained.

The Adjutant-General is of opinion that the withdrawal of the Imperial troops has devolved on Canada the duty of providing for "the efficiency of the military establishment." Has the Imperial government, then, no longer any duties in this connection? Among the means of forming an efficient military establishment, the Adjutant-General ranks a Canadian army, "men whose business it is to study the art of war as professionals." To facilitate this study, he would have us establish three training schools for cavalry and infantry. The people of Canada will, he thinks, rise gradually from the militia stage and "shortly accomplish entire self-reliance for defence in arsenals and manufactories of their own." When that state of things arrives Canada will be an independent nation. An organization of 650,000 men as