

The Legal News.

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In the division which took place in the House of Commons on the 19th instant on Mr. Landry's Supreme Court bill, he obtained 34 votes in favor of the second reading, while 125 were recorded against the measure. Only four members representing constituencies outside of Quebec voted with Mr. Landry, showing that the dissatisfaction with the present constitution of the Court is practically restricted to this Province, and proceeds from the fact that our jurisprudence differs from that of the other Provinces, and that only two members of the Court are chosen from the bar of this Province. Hence it happens that a decision of our Court of Appeal, confirming the decision of the Court below, may be reversed by a tribunal chiefly constituted of jurists trained in a different system. The Premier admits the inconvenience, but does not see how it is to be obviated. "The difficulty," he remarked, "arises from the fact that we have not been able to discover a system by which the Supreme Court bench can be strengthened from the Province of Quebec without giving a preponderance to that Province on all the cases that come before the Court. If by adding additional judges from the Province of Quebec we would give additional weight to their decisions on cases arising from the Province of Quebec alone, there would be little difficulty—it would be simply a matter of expense. But the House must remember that the judges coming from the Province of Quebec, trained to a different law from the law of England, trained to a different law from the common law that prevails in all the other Provinces, and having an equal voice upon the law with which they are not familiar, can and do frequently take the responsibility of giving judgment against the majority of judges from other Provinces. Now if the bench from the Province of Quebec were strengthened still further, that objection would have still greater force. The other Provinces would say: We are over-riden;

our judges, trained to the common law of England, are over-ruled by judges coming from the Province where a different system prevails; and so the complaint which now arises, perhaps very naturally, from the Province of Quebec, would simply be transferred to the other Provinces. They would say that the civilians, those acquainted only with the civil law of Lower Canada, were overriding the common law, which obtained in all the other Provinces." Our own impression is that the apparent difficulty ought speedily to disappear, if due care be exercised in the appointments to the Supreme Court. The difference of jurisprudence ought to be quickly overcome by a competent lawyer; and, at all events, precisely the same difficulty has long existed with reference to the Judicial Committee of the Privy Council. Yet the judgments of that Committee have, upon the whole, been fairly satisfactory, and even now appeals are very often taken to the Judicial Committee, on which our bar is not represented at all, instead of to the Supreme Court, in which we have two representatives.

Our western contemporary, the *Manitoba Law Journal*, seems to think that we are almost as bad as Mr. Travis, by reason of an article which appeared in our columns, criticizing the Boundary decision. We shall not stop to inquire whether there is any resemblance between Mr. Travis' effusions and the article referred to. We merely point out to our contemporary a fact which he has overlooked, but which is perfectly known to our readers in general, and is a sufficient answer to the charge of editorial inconsistency, viz., that the article to which he refers is a signed article, the authorship of which is perfectly known to our readers. Our own feeble jottings do not bear any signature, and just as we do not wish well-known contributors to be held in any way responsible for them, so we do not consider ourselves responsible for the opinions which may be expressed in communicated articles over a signature indicating the author. In accordance with what we believe to be an established rule of journalism, we accord to contributors the utmost freedom in dealing with subjects on