

The Judicial System.—The judiciary administers justice and interprets the law made by Parliament and applied by the Executive authority. Under the Act. (Sect. 92, s-s. 14) the legislature of a province has exclusive legislative competence in relation to “the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and of criminal jurisdiction and including procedure in civil matters in those courts”. In Sect. 91 of the Act it is provided that “the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters” is a subject within the exclusive legislative competence of the Dominion Parliament.

The appointment, salaries and pensions of judges are dealt with under Sect. 96-101. The judges (except in the courts of probate in New Brunswick and Nova Scotia) are appointed by the Dominion Government from the bars of their respective provinces, and hold office during good behaviour, being removable by the Governor General only on address of the Senate and House of Commons. Their salaries are fixed and provided by Parliament.

Under the provisions of Sect. 101, empowering Parliament to establish a general Court of Appeal, the Dominion Parliament passed, in 1875, an Act to establish a Supreme Court and Court of Exchequer for the Dominion (38 Vict., c. 11). In 1877, however, these courts were separated and the Exchequer Court of Canada, with one judge, a registrar, and other proper officers, was established. An additional judge was added to this Court in 1912.

The Supreme Court of Canada has appellate jurisdiction from all the courts of the provinces, and questions may be referred to it by the Governor General in Council. It has also jurisdiction in certain cases between the provinces, and in cases of controversies between provinces and the Dominion. While its judgment is final in criminal cases, there is in civil cases, subject to certain limitations, an appeal to the Judicial Committee of the Privy Council in England, which also entertains appeals direct from the provincial Courts of Appeal. The decisions of the Supreme Court and of the Judicial Committee of the Privy Council constitute the case-law of our constitution, the legal interpretation of the constitution and of the varied powers of the Dominion Parliament and provincial legislatures.

Finance.—Among the most important provisions of the British North America Act are those relating to the appropriation of public money and the raising of taxes for Dominion purposes. The House of Commons has the sole right of initiating grants of public money and of directing and limiting appropriations, yet the House of Commons must not (Sect. 54) adopt or pass any vote, bill, resolution or address for the payment of any part of the public funds for any purpose that has not first been recommended to the house by message from the Governor General in Council during the session in which such vote or bill is proposed. This rule is of the most vital importance in promoting public economy, as it eliminates all possibility of private members combining to secure expenditures of public money in their constituencies, and leaves to the executive authority the initiation of all legislation requiring the expenditure of public funds; it is also operative in the provincial legislatures.