by squatters, to belong absolutely to them, and have awarded no compensation for them, and therefore, did not, and could not, adjudicate them to be transferred to the Government. Yet if the Court hold this award valid, the Public Trustee may, by a stroke of his pen, convey the lands of these squatters to the Commissioners of Public Lands, and thus bring them under the stringent provisions of the Land Act of 1853. I have said that the deed from the Public Trustee of land for which no compensation was given would convey no title. But how could the squatter avail himself of that? The deed to the plaintiff is *primâ facie* evidence of title against him. The duty of proving everything to make out *his defence* is thrown on him. And how can he or any one else prove what the Commissioners decided about his possession. To put a case. I recollect a few years ago, trying a case brought by Mr. Stewart against a squatter on Lot 30. Mr. Stewart failed to establish a *primâ facie* case. I non-suited him; the defendant therefore kept his land without being called on to prove his possession. A non-suit does not prevent a fresh action. Now let the Public Trustee include this same squatter's name in the deed. If an ejectment were brought against him for the land twelve months hence, the plaintiff's title would be *presumed* good, and that squatter would lose every acre of his land, of which he could not prove a twenty years' possession. The common saying, that "possession is nine points of the law," is really only another way of expressing a well established legal maxim, viz: "That possession is good against all "who cannot show a better title." It is, no doubt, very convenient, and may be very proper, that the Government, when it becomes possessed of the estates, should be enabled to deprive the squatters of the benefit of this maxim, which heretofore has shielded them against the claims of a proprietor who could not show a good title. But I don't think this Court can allow the Public Trustee, either through accident or caprice, to do so, without itself being guilty of a dereliction of that supervisory duty over matters subsequent to the award, which the law and this Act itself casts upon it.

Setting Aside.

Assuming the awards for all or some of the reasons I have pointed out to be invalid, the next question is, how are we to deal with them? The 45th sec., in the most emphatic manner, declares that no award shall be deemed void for "any reason, defect, "or informality whatever." That no appeal shall lie to any tribunal, nor shall the award or proceedings be removed by Certiorari or any other process, but with the exception of the power of the Supreme Court to send it back, it shall be binding, final and conclusive on all parties. No doubt such restrictions are binding on this Court, and prevent its inquiry into the correctness of any decision made by the Commissioners on subject matters within their jurisdiction, and which, it appears by the *express words* of the award or by *necessary implication*, they have decided upon, But the whole current of authorities show that where an Inferior Court exceeds its jurisdiction, by taking upon itself to decide on a matter over which it has no jurisdiction, or declines, or neglects to exercise a jurisdiction which it should have exercised, a statutory prohibition of this kind does not apply, and the power of this Court to interfere remains unrestrained. The authorities, on this point, were very fully discussed by Sir James Colvill, in giving the Judgment of the Privy Council in the *Colonial Bank of Australasia* v. *Willian*, 5 L. Rep. P. C. 442; in some respects that case resembles this. A Colonial Act had created a tribunal called the Court of Mines, with jurisdiction over all disputes arising out of mining affairs. Certiorari was taken away, and its decisions, subject to appeal to the Chief Justice of the Mines Court, were declared final. Two questions were raised before the Privy Council. First, that the Mines Court was not an Inferior Court. Secondly, that the Supreme Court was restrained from interfering with its decisions. The Privy Council held it was an Inferior Court, because every court whose jurisdiction, however wide, is limited both as to persons and things, must be inferior to the Supreme Court of the Colony. As to the second question, he says, "Their Lordships are, therefore, of "opinion that the winding up orders must be taken to be within the scope of the 244th "sec. of the Act, and that the power to remove the proceedings relating to them into "the Supreme Court has been taken away by Statute. It is, however, scarcely neces- "sary to observe that the effect of this is not absolutely to deprive the Supreme Court "of its power to issue a Writ of Artiorari to bring up the proceedings of the Inferior "Court, but to control and limit its action on such Writ. There are numerous cases "in the Books which establish that, notwithstanding the privative clause in a Statute, "the Court of Queen's Bench will grant a Certiorari; but some of the authorities "establish, and none are inconsistent with the proposition, that in any such case that "Court will not quash the order removed, except upon the ground either of a manifest