judges of the same Court should have power to sit in appeal from any judgment of a single judge. But it was necessary also to provide for the interval between the passing of the Act and the constitution of such a Court of Appeal, and that Act of 1873 provided that in the meantime the judges of existing Provincial Courts should exercise under regulations contained in it the same jurisdiction. It did not, indeed, say the Courts—it said the judges of the Courts, and that is really in their Lordships' view the sole difference for this purpose between the Act of 1873 and the Act of 1874. The Act of 1874 in substance does the same thing, except that in the definition clauses it uses this language :—"The expression 'the Court,' as respects elections in the several Provinces hereinafter mentioned respectively, shall mean the Courts hereinafter mentioned, or any of the judges thereof"; and then it mentions by their known names the existing Courts of the different Provinces. When their Lordships go on to look at the provisions which follow in the Act, it is clear not only that a new jurisdiction is provided for, but even the power to take evidence. It is said that a single judge in rotation, and not the entire Court, is to exercise this jurisdiction, and in the forty-eighth section :—"That on the trial of an election petition, and in other proceedings under this Act, the judge shall, subject to the provisions of this Act, have the same powers of jurisdiction and authority as a judge of one of the Superior Courts of Law or Equity for the Province in which such election is held, sitting in term or proceeding at the trial of an ordinary civil suit, and the Court held by him in such trial shall be a Court of Record." Words could not be more plain than those to create this as a new Court of Record, and not the old Court, with some superadded jurisdiction to be exercised, as if it had been part of its old jurisdiction ; and all that is said as to the employment of the same officers, or of any other machinery of the Court for certain purposes defined by reference to the existing procedure of the Courts, shows that the Dominion Legislature was throughout dealing with this as a new jurisdiction created by itself, although in many respects adopting, as it was convenient that it should adopt, existing machinery. Therefore, their Lordships see nothing but a nominal, a verbal, and an unsubstantial distinction between this latter Act as to its principle and those provisions of the former Act, which all the judges of all the Courts in Canada, apparently without difficulty, held to be lawful and constitutional. Their Lordships are told that some of the judges of the Courts of first instance have thought there was more of substance in the distinction than there appears to their Lordships to be, and have declined to exercise this jurisdiction. It has been said that five judges have been of that opinion. On the other hand, two judges of the first instance, I think both in the Province of Quebec, the Chief Justice in the present case, and in another case Mr. Justice Caron, a judge whose experience on the Canadian Bench has been long,* and whose reputation is high, have been of opinion that this law was perfectly within the competency of the Dominion Legislature, and they could see nothing in the distinction taken between the present law as to its principle and the former ; and now the question has gone to the Court of Appeal, the Supreme Court of Canada, who, constituted as a full Court of four judges, have unanimously been of that opinion, and nothing has been stated to their Lordships, even from those sources of information with which Mr. Benjamin has been supplied, and which he has very properly communicated to their Lordships —nothing has been stated to lead their Lordships at all to apprehend that there is any real probability that any judge of the inferior Courts will hereafter dispute their obligation to follow the ruling of the Supreme Court, unless, and until, it shall be reversed by Her Majesty in Council. Nothing has been said from which their Lordships can infer that any Provincial Legislature is likely to offer any opposition to such a ruling on this question as has taken place by the Court of Appeal, unless, as has been said, it should at any future time be reversed by Her Majesty in Council. Under these circumstances their Lordships are not persuaded that there is any reason to apprehend difficulty or disturbance from leaving untouched the decision of the Court of Appeal. Their Lordships are not convinced that there is any reason to expect that any of the Judges of the Court below will act otherwise than in due subordination to the appellate jurisdiction, or refuse to follow the law as laid down by it. If, indeed, the able arguments which have been offered had produced in the mind of any of their Lordships any doubt of the soundness of the decision of the Court of Appeals, their Lordships would have felt it their duty to advise Her Majesty to grant the leave which is now asked for, but on the contrary the result of the whole argument has been to leave their Lordships under the impression that there is here no substantial question at all to be determined, and that it would be much more likely to unsettle the minds of Her Majesty's subjects in the Dominion, and to disturb in an inconvenient manner the legislative and other proceedings there, if they were to grant the prayer of this petition, and so throw a doubt on the validity of the decision of the Court of Appeal below, than if they were to advise Her Majesty to refuse it. Under these circumstances their Lordships feel it their duty humbly to advise Her Majesty that this leave to appeal should not be granted, and that the petition should be dismissed.

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* *Quære*, whether their lordships are not mistaking the present Mr. Justice Caron for the late Mr. Justice Caron, Lieut.-Governor of the Province.—Ed.