

indirectly upon the law in that Province. In connection with this case an interesting question may arise, which has only been touched upon in one of these judgments. The principle has now been well settled by the Privy Council, that in many matters which may be dealt with by the Dominion Parliament, under the power possessed by them under s. 91 of British North America Act, so long as the Dominion has not legislated on the subject, the Province may deal with them under clause 16 of s. 92, as matters of a private or local nature. This doctrine was, we think, first hinted at in a judgment given by the late Lord Selborne in *L'Union St. Jacques v. Belisle*, L.R. 6 P.C. 31. It has also been spoken of in several other cases, but perhaps most clearly in the prohibition case, (App. Cases, 1896,) where the Ontario local option law was upheld on the ground that so long as the Dominion did not exercise its powers, and cover the whole ground by enacting a prohibitory law or something equivalent to it, the province might pass a local option law, which would be valid, although it would be superseded by any Dominion legislation which might be passed covering the same ground.

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*THE LIMITS OF JUDICIAL AUTHORITY.*

The question incidentally discussed in a former issue as to the right of a court of law to exercise jurisdiction over matters in controversy seems worthy of a little further consideration. It must be conceded that no court has an unlimited and arbitrary right to exercise its jurisdiction at pleasure, but on the contrary that the right of all courts of law to exercise their jurisdiction is governed and circumscribed by common law. In order that any court may properly exercise its jurisdiction, as a general rule, its assistance must be invoked by some person or persons having a right to invoke it, and except in certain exceptional cases, e.g., such as calling upon an officer of the court to answer for his conduct, the court never acts except upon the due and proper application of a suitor—and even then the court does not acquire a general and