I have more or less closely expressed similar views, nor have I stood alone. For instance, ever since 1876 the Judges of the Supreme Court have insisted upon the two main positions on which Valin *vs.* Langlois and Leprohon *vs.* City of Ottawa were afterwards determined, and that in the most practical way; we rejected the demands of the Provincial tax-gatherer when he endeavored to levy income-tax on our judicial salaries; and we took among other grounds the following: 1st. That we were Dominion officials (afterwards so implied, necessarily, in Valin *vs.* Langlois.) 2nd. That the local Legislature had no power to tax Dominion salaries (afterwards so held in Leprohon's case.) And though the tax-gatherer twice, or thrice I think, repeated his demands, the Government never attempted to enforce them. This, however, was only a passive resistance, though very clear, and acquiesced in. Again, if I may refer to a matter entirely personal to myself, when I had occasion to apply for leave of absence in 1874, I applied to the Dominion Government, as being a Dominion officer; sending my application, of course, through the hands of the local Executive. And though that was opposed by the local Executive, who insisted that they alone had the power to grant or refuse leave, and declined to forward my application, and although, in order to save time, I complied with their wishes on that occasion, yet I felt bound to offer apologetic explanations (which were graciously accepted) to the Dominion authorities at Ottawa; and my view was upheld there, and the local Executive were informed to that effect; and now, when a Judge desires leave, he applies to the Dominion authorities alone. Of course, they receive and consider any report which the local Executive may think proper to make as to the local convenience of the leave; but the Dominion alone grants or refuses leave. How can they have this power, if the Judge is a purely Provincial officer? So that the local Executive is not without notice of the views expressed to-day. Still, if it had been merely the Judges who were personally inconvenienced by recent legislation, matters might never have come to an issue. But what has brought this question at length into serious argument and necessitated the expression of a judicial opinion by us is the recent Act of the local Legislature, by which suitors are debarred from having any *nisi prius* decision reviewed except at intervals of a whole year. And in the examination of the question whether such a denial, or at least delay, of justice is within the competence of the local legislature, principles must be laid down which no doubt deal with an important portion of the local legislation here within the past few years.

Mr. Justice Cooley in his treatise on Constitutional Limitations (page 195) says: "A judge, conscious of the fallibility of human judgment, "will shrink from exercising this power of declaring an act of the legis-"lature void, in any case in which he can, conscientiously and with a due "regard to his duty and official oath, decline the responsibility. * * "But when courts are required to enforce the law as it stands on two "statutes, one local, the other paramount, they must enforce the latter "whenever the local law comes into conflict with it." Elsewhere he says that "the jurisdiction is only to be undertaken with reluctance, and will "be left for consideration until a case arises which cannot be disposed of "without considering it, and when consequently a decision on the point "becomes unavoidable." (page 199) But when it becomes necessary to decide on the unconstitutionality the court cannot refuse to do so.