lations made by the directors, and as the assessment was made payable at the head office, the company had a right of action there.

DUNKIN, J. This is a matter purely personal, and 34 C.C.P. is decisive of the question raised. This court is not that of the defendant's domicile, nor yet that of the place where the demand was served upon him personally. Is it, then, that of the place where the right of action originated? Were he suing the company, it might well be said that his right of action against them originated here, where they have their domicile, and their business head-quarters. But they are suing him; and he is right when he objects that all he ever did to give them cause of suit against him, he did outside of this jurisdiction,—that as against him their right of action originated, not here, but there.

Exception maintained.

C. A. Nutting for plaintiff.

J. P. Noyes, Q.C., for defendant.

COURT OF QUEEN'S BENCH.

MONTREAL, Sept. 20, 1879.

SIR A. A. DORION, C.J., MONK, RAMSAY, TESSIER and CROSS, JJ.

[Appeal Side.]

Ex parte CORWIN, petitioner.

Change of venue—Where application should be made.

RAMSAY, J. An application is made by the defendant, who is charged with manslaughter on the finding of the Coroner of the District of Three Rivers, for change of venue. The question we are going to decide is not on the merits; in fact, we have not examined the affidavits. We say that the application ought not to be made here. We are not prepared to say that we are not as competent as a single judge in chambers; still it has never been the practice to make such an application on this side of the Court. Again, we have no reason given us why the Court at Three Rivers should not take cognizance of the matter. We do not think, therefore, it would be a proper exercise of our discretion to entertain the application, and it is rejected; but we wish it to be understood that we are not deciding anything as to the merits.

The case of Mr. Brydges has been referred to, but that was entirely different. Mr. Brydges was arrested in Montreal, on a Sunday morning, on a charge of a constructive felony. An application was made before Mr. Justice Badgley in chambers to change the venue, and in the exercise of his discretion he granted the application. When the case came before me, the question was whether Mr. Justice Badgley had properly exercised his discretion, and I said I had no authority to decide that.

MONK, J. I have grave doubts whether we have jurisdiction, sitting as a Civil Court, to take up this matter. It is true that writs of error are submitted to us, and applications for *habeas corpus*, but that power is expressly given by Statute.

F. X. Archambault, Q.C., for the Crown.

E. C. Monk, for defendant.

SUPREME COURT OF CANADA.

OTTAWA, Oct. 28, 1879.

RITCHIE, C. J., TASCHEREAU, FOURNIER, HENRY, GWYNNE, JJ.

VALIN, Appellant, and LANGLOIS et al., Respdts.

Dominion Controverted Elections Act, 1874—Right of Dominion Parliament to make Judges of Superior Courts in the Provinces Judges of Dominion Election Courts.

RITCHIE, C. J. This is an appeal from the judgment of Chief Justice Meredith dismissing preliminary objections of appellant, and declaring the "Dominion Controverted Elections Act, 1874," to be not *ultra vires* of the Dominion Parliament, and the correctness of this determination is the only question now in controversy. This, if not the most important, is one of the most important questions that can come before this Court, inasmuch as it involves in an eminent degree the respective legislative rights and powers of the Dominion Parliament and the Local Legislatures, and its logical conclusion and effect must extend far beyond the question now at issue. In view of the great diversity of judicial opinion that has characterised the decisions of the Provincial tribunals in some Provinces, and of the judges in all, while it would seem to justify the wisdom of the Dominion Parliament in providing for the establishment of a Court of Appeal such as this, where such diversities shall be considered, and