

constitution and the one provided by the Act for that purpose. This is a jurisdiction peculiar to the judiciary of the United States under their *constitution*, in which the prerogative power as known to our constitution forms no part. The written constitution is the prerogative authority through which the people have declared their will, which is paramount to that of their representatives expressed in any law. This high authority is not claimed by the Judges by virtue of judicial supremacy, but as administrators of the public will. This judicial jurisdiction is a theory altogether foreign to the spirit of the British constitution, by virtue of which the sovereign declares the will of the people in every law enacted in regard to the subjects embraced therein. Hence when the Judges in any Province claim to exercise this high authority by virtue of judicial supremacy, they act not as administrators of the public will but as restrainers of that will, declared by the only authority through which the people speak.

In conclusion, to use the language of Blackstone, "what Parliament does no power on earth can undo," and so what the Parliament of Canada does or the Legislature of any Province does, no power within the Dominion, save the legislative, can undo or successfully resist.

JAMES STEADMAN.

J. C. C.

Fredericton, February, 1873.