

If the Parliament of Canada has only a limited authority to constitute Courts of original jurisdiction, can it have power, or can any such clause as this give the Courts it may establish, exclusive jurisdiction to say whether Parliament has or has not exceeded its powers?

Is it not as well the right, as the solemn duty of every Court in the Dominion, to pronounce what the Law is as declared by the Imperial Statute; and if the civil rights of the inhabitants, or the administration of justice in any Province, are interfered with, save by the Imperial Parliament, as possessing transcendent power, or the Local Legislature, to whom within the Dominion they are exclusively confided, will it not be the duty of the Provincial Courts to protect and enforce those rights, even at the risk of a conflict with a Court established regardless of the Union Act, and attempted to be supported by such a clause as this?

By section 57, exclusive original jurisdiction is given to the Supreme Court and the Judges thereof, to issue the writ of *habeas corpus ad subjiciendum* in cases of extradition.

This of course takes from the Supreme Court of this Province, and its Judges, the power they now possess. Unless some of the Judges of the new Court reside in the Maritime Provinces, for which no provision is made, delay and inconvenience must, I should think, ensue, if many cases of this description should arise. Hitherto, however, they have been very rare in this Province.

Section 58 provides—"That the said Supreme Court shall have and possess exclusive jurisdiction in Admiralty in cases of contract and tort, and in proceedings *in rem*, and *in personam*, arising on or in respect of the navigation of, and commerce upon the inland navigable waters of the Dominion, above tide-water, and beyond the jurisdiction of any now existing Court of Vice-Admiralty." This sweeps away a large jurisdiction from the Supreme, the County, and the Magistrates' Courts of the Province, and, unless I am much mistaken, will, before it is very long in operation, astonish not a little some of the merchants, traders, millmen, lumbermen, stream-drivers, steamboat, tugboat, woodboat, and raftsmen, and those dealing with them or suffering from torts committed by them, arising on or in respect of the navigation and commerce upon the inland navigable waters, &c. within this Province, when they discover, that for contract however small, or tort however trifling, and whether committed on or connected with waters in the neighborhood of Fredericton, or waters in the most remote parts of the Province, redress can only be had in this new Court at Fredericton, with an almost certain prospect of revision at Ottawa.

In addition to this exclusive jurisdiction, certain concurrent jurisdiction is likewise given; thus section 56 provides that "the said Supreme Court shall have in the several Provinces of Ontario, Nova Scotia, and New Brunswick, in causes at Law and in Equity, and in the Province of Quebec in civil causes, concurrent and original jurisdiction with the Provincial Courts in the following cases:—

"1. Where the plaintiff and defendant, or one of several plaintiffs, and one of several defendants, are domiciled in different Provinces of the Dominion.

"2. Where either the plaintiff or defendant, or one or more of several plaintiffs, or one or more of several defendants, are domiciled without the Dominion."

This is in no way limited or restricted as to Court or amount; so that for the smallest amount or matter cognizable in a Magistrate's Court, up to the highest cause of action justiciable in the Supreme Court in any of the above