tended to do what they had a right to do—to legislate legally and effectively—rather than that they intended to do what they had no right to do, and which, if they did do, must necessarily be void and of no effect. And having established a Court by the Act of 1873, which, it seems to be admitted, is *intra vires*, is it reasonable to suppose that Parliament would repeal a valid enactment, and for the accomplishment of substantially the same object substitute in its place a law beyond their powers to enact, and which therefore could be nothing but a dead letter on the statute book? But as, for the reasons I have stated, I think, even if a distinct and independent Court is not created, the Act is not beyond the power of Parliament, I cannot invoke this inference, as it appears to me those holding the contrary opinion might and should do. But independent of this the Act seems to contain within itself everything necessary to constitute a Court. The jurisdiction is special and peculiar, distinct from and independent of any power or authority with which any of the Courts or judges referred to in it were previously clothed. The Act conferring this jurisdiction provides all necessary materials for the full and complete exercise of such jurisdiction in a very special manner, wholly independent of, and distinct from, and at variance with, the exercise of the ordinary jurisdiction and procedure of the Courts. The rights which are to be determined through the instrumentality of this new jurisdiction are political rather than civil rights, within the usual meaning of that term, or within the meaning of that term as used in the British North America Act, which, as I have said, applies, in my opinion, to mere limited civil rights, and thus we find them treated in the case of *Theberge* v. *Landry*, 2 L. R. App. Cas. 102, which was an application to the Privy Council for special leave to appeal from the decision of the Superior Court of Quebec, under the Controverted Elections Act of 1875, declaring an election void, which was refused. The Lord Chancellor in that case speaks of the Quebec Controverted Election Acts thus:—

"These two Acts of Parliament, the Act of 1872 and 1875, are Acts peculiar in their character. They are not Acts constituting or providing for the decision of mere ordinary civil rights. They are Acts creating an entirely new, and up to that time unknown, jurisdiction in a peculiar Court of the Colony, for the purpose of taking out, with its own consent, of the Legislative Assembly, and vesting in that Court that very peculiar jurisdiction which up to that time had existed in the Legislative Assembly of deciding election petitions, and determining the status of those who claimed to be members of the Legislative Assembly. A jurisdiction of that kind is extremely special, and one of the obvious incidents or consequences of such a jurisdiction must be that the jurisdiction, by whomsoever it is to be exercised, should be exercised in a way that should as soon as possible become conclusive, and enable the constitution of the Legislative Assembly to be distinctly and speedily known. Now the subject matter, as has been said, of the law is extremely peculiar. It concerns the rights and the privileges of the electors, and of the Legislative Assembly to which they elect members. Those rights and privileges have always in every Colony, following the example of the Mother Country, been jealously maintained and guarded by the Legislative Assembly. Above all, they have been looked upon as rights and privileges which pertain to the Legislative Assembly in complete independence of the Crown so far as they properly exist; and it would be a result somewhat surprising and hardly in consonance with the general scheme if, with regard to rights and privileges of this kind, it were to be found that in the last resort the determination of them no longer belonged to the Superior Court which the Legislative Assembly had put in its place, but belonged to the Crown and Council, with the advice of the advisers of the Crown at home, to be determined without reference either to the judgment of the Legislative Assembly or of that Court which the Legislative Assembly had substituted in its place."

The object of the Act of 1873 and that of 1874 was the same: the recitals in both are precisely alike, and the provisions are in many respects substantially the same. That object was to establish and substitute entirely new tribunals for the trial of election petitions in lieu of the House of Commons, theretofore dealing with such matters, and both Acts alike contained all the provisions necessary not only to give such new tribunals full jurisdiction, but also all necessary and suitable provisions to en-