Court for Lower Canada, rendered in the above cases, on the 15th January, 1879.

The petitioner Langlois filed on the 4th November, 1878, in the Superior Court for Lower Canada a petition under the Controverted Elections Act, 1874, complaining of the undue election and return of the respondent Valin as member for the House of Commons for the County of Montmorency.

The respondent Valin filed certain preliminary objections. One called in question the jurisdiction of the Court. This objection was raised in the following terms:—

"That this Court is incompetent to decide the pretended election petition presented in this cause :

Because, according to the B. N. A. Act, 1867, the jurisdiction of Courts of Justice is given by Provincial Legislatures ;

Because the Legislature of the Province of Quebec has never given to the Superior Court, nor to any Judge of that Court, the power to decide petitions relating to the election of members of the House of Commons of Canada.

Because the Controverted Elections Act, 1874, is *ultra vires* and unconstitutional in so far as it gives to the Superior Court of the Province of Quebec the power to decide petitions relating to the election of members of the House of Commons of Canada."

The Chief Justice of the Superior Court by his judgment dismissed the objections, and maintained the jurisdiction of the Court. His judgment is reported at length in the Quebec Law Reports, vol 5, page 1.

The objection in the case before the Court, although by its terms confined to the Superior Court for Lower Canada, brought forward for discussion and adjudication the more general question as to the right of the Dominion Legislature to impose on the Courts of the various Provinces and the Judges of such Courts the duty of trying controverted elections of members of the House of Commons. This question has given rise to considerable diversity of judicial opinion, as appears by reference to the following cases :—

See *Ryan* v. *Devlin* (Montreal Centre case), 20 L. C. Jur. 77 ; *Owens* v. *Cushing*, (Argenteuil case), 20 L. C. Jur. 86 ; *Bruneau* v. *Massie*, 23 L. C. Jur. 60 ; *Belanger* v. *Caron* (County of Quebec case), Q. L. R. 19 ; *Dubuc* v. *Vallee* Q. L. R. 34 ; *Guay* v. *Blanchet*, (Levis case), Q. L. R. 43 ; *Plumb* v. *Hughes* (Niagara case), 29 U. C. C. P. 261 ; *Deslauriers* v. *Larue* (Bellechasse case), not yet reported.

*H. C. Pelletier* Q.C., for appellant.
*Langlois*, Q.C., for respondent.

*Held*, on appeal :

1. The property and civil rights referred to in sub-sec. 13 of sec. 92 of the Act were the property and the ordinary civil rights over which the power to legislate had been reserved to the Local Legislatures, and neither this, nor the right to organize Provincial Courts by the Provincial Legislatures, was intended in any way to interfere with, or give to such Provincial Legislatures any right to restrict or limit the powers in other parts of the Statute conferred on the Dominion Parliament ; and that the right to direct the procedure in civil matters in those Courts (sub-sec. 14 of sec. 92) had reference to the procedure in matters over which the Provincial Legislature had power to give those Courts jurisdiction, and did not in any way interfere with, or restrict, the right and power of the Dominion Parliament to direct the mode of procedure to be adopted in cases over which it has jurisdiction, and where it was exclusively authorized and empowered to deal with the subject matter ; or take from the existing Courts the duty of administering the laws of the land.

2. Whether the Controverted Election Act of 1874 established a Dominion Election Court or not, the Parliament of the Dominion, in legislating on this matter, on which they alone in the Dominion could legislate, had a perfect right to confer on the Provincial Courts power and authority to deal with the subject matter as Parliament should enact ; that this legislation, being within the legislative power conferred on them by the Imperial Parliament, their enactments in reference thereto become the law of the land which the Queen's Courts are bound to administer.

3. The Supreme and Superior Courts of the Provinces are bound to execute all laws in force in the Dominion, whether they are enacted by the Parliament of the Dominion or by the Local Legislatures. They are no mere local courts for the administration of the local laws passed by the local Legislatures of the Provinces in which they are organized. They are the Courts which were the Courts of the respective Provinces established before Confederation, and were continued "as if the union had not been made" by the 129th sec. of the B. N. A. Act, and subject, as therein expressly provided, "to be repealed, abolished or altered by the Parliament of Canada, or by the Legislatures of the respective Provinces, according to the authority of the Parliament, or of that Legislature under this Act."

4. Section 101 of the B. N. A. Act providing for "the establishment of any additional Courts for the better administration of the laws of Canada, gives a power which is to be exercised only as occasion should require, and in the event of the