

THE SUPREME COURT.

of the United States Supreme Court, and which relates to ordinary local appeals, is that when the decision involves the construction of local statutes, it is usual to follow the construction put upon them by the local courts, where the decision has determined the rights of parties and has become a rule of property: *Green v. Neal*, 6 Peters, U.S., 291.

The jurisdiction of the Supreme and Exchequer Courts, as provided by the Act, may be divided into two parts—original and appellate. These parts may be subdivided as follows:

Part I.—ORIGINAL JURISDICTION.

Exchequer Court.

1. Revenue cases.
2. Civil suits where the Crown for the Dominion is plaintiff.
3. Controversies between the Dominion and a Province, or between two Provinces.

Supreme Court.

4. Habeas Corpus in criminal and extradition cases.
5. Judicial opinions to the Crown.
6. Private bills and petitions therefor referred by the Senate or House of Commons.
7. Civil suits in which the validity of a Dominion or Provincial Act is questioned.

1. *Revenue Cases.* The Exchequer Court is to have "concurrent original jurisdiction" with the provincial courts in all cases in which it shall be sought to enforce the revenue laws of Canada; including actions, suits and proceedings by way of information to enforce penalties; and proceedings by way of information *in rem* and as well in *qui tam* suits for penalties or forfeitures, as where the suit is on behalf of the Crown alone. But it is to have "exclusive original jurisdiction" in all cases in which demand shall be made or relief sought in respect of any matter which might in England be the subject of a suit, or action in the Court of Exchequer

on its revenue side against the Crown or any officer of the Crown (sec. 58).

2. *Dominion civil suits.* The Court is also to have "concurrent original jurisdiction" with the provincial courts in all other suits of a civil nature at common law or equity, in which the Crown in the interest of the Dominion is plaintiff or petitioner (sec. 59).

3. *Controversies between Governments.* A special jurisdiction, subject to legislative action in the several provinces, is to be exercised by the Exchequer Court in controversies in civil cases between the Dominion and a province, or between any two provinces which shall have passed acts agreeing and providing that such Court shall have jurisdiction in such cases. There is no limitation as to the value of the matter in dispute (secs. 54, 55 and 57).

The procedure in the Exchequer Court, unless otherwise provided for by general rules, is to be regulated by the practice and procedure of the Court of Exchequer at Westminster on its revenue side. For the transaction of business and the trials of issues of fact, the judges, subject to rules of court, are to sit and act at any time and at any place within Canada, that is, to go circuit. Issues of fact—except issues under the 58th section—are to be tried by a judge sitting alone, without a jury, according to the laws of the province in which the cause originated, including the laws of evidence. But issues of fact under the 58th section are to be tried by a judge sitting alone, without a jury. The decision of a judge in any case shall be the judgment of the Court, but any party dissatisfied with the decision of the Court may appeal therefrom within 30 days.

4. *Habeas Corpus.* The jurisdiction in habeas corpus is to be exercised in the Supreme Court; and any judge of that court is to have concurrent jurisdiction with the provincial courts or judges