

Two questions naturally arise—First, by what authority can Parliament establish such a tribunal as this? And secondly, what is to be the effect of this certificate? Is it to have the force of law, and to be from thenceforth binding and conclusive on the Dominion, the Province, and persons interested; or if pronounced *ex parte* at the instance of the Governor General, are all parties, whether cognizant or not of the proceedings, but who may claim to have rights under such laws, to be estopped by such decision, and debarred from any opportunity of asserting their rights, and being heard face to face with their opponents; or is the certificate only for the purpose of advising the Governor General, the better to enable him to exercise his discretion in any given case? But I pass on to the

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which, to my mind, is a very objectionable branch of the Bill.

Section 53 provides that—"The said Supreme Court shall have and possess exclusive original jurisdiction in the Dominion of Canada, in all causes at Law and Equity in the Provinces of Ontario, Nova Scotia, and New Brunswick, and in civil causes in the Province of Quebec, as follows:"— * *

Before proceeding to the list of matters over which exclusive jurisdiction is proposed to be thus given, let us read this section by the light of the Imperial Statute, and see whether we are not approaching a conflict of law, and a clashing of jurisdiction—a state of things of which Lord Campbell in the House of Lords thus spoke—"Surely there cannot be a greater evil than the clashing of jurisdictions in the same State."

We have seen that by the Imperial Statute—Of the exclusive powers of Provincial Legislatures—"In each Province the Legislature may exclusively make Laws," coming within the subjects of—

13. "Property and civil rights in the Province."

14. "The administration of justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those Courts."

We have also seen that by the same Statute, the Parliament of Canada, independent of "a General Court of Appeal for Canada," is only empowered to provide "for the establishment of any additional Courts for the better administration of the Laws of Canada."

By what authority then does this Act give exclusive original jurisdiction in causes at Law and in Equity, in matters touching the local laws of the Provinces respectively, as distinguished from the Dominion Laws, or "the Laws of Canada?" Or, touching property or civil rights in the Provinces? Or, by what authority does it interfere with the administration of Justice in the Province, including as before set forth?

Let us now look to the list of subjects, eight in number, and other matters in subsequent sections, exclusively confided to this proposed Court.

No. 1. In all cases in which the constitutionality of any Act of the Legislature of any Province of the Dominion shall come in question.

Is it not obvious, that if exclusive jurisdiction to determine questions, no matter what their nature may be, is vested in this Court, and so taken from the present local Courts, the exclusive rights professed to be secured to the Local Legislatures, are virtually and practically taken away? If so much of the jurisdiction of these Courts can be thus destroyed, why not the balance?