

under the Extradition Act, the appellants have a recourse by way of *habeas corpus* (Extradition Act).

We do not see any necessity for determining these two objections. We prefer to take the position assumed by the appellants in their argument before us, and decide the second point on the interpretation and bearing which we give to art. 1003.

They say, the commissioner, when sitting, constitutes a court, a tribunal, which proceeds without jurisdiction, and the Superior Court, in virtue of its general power of supervision and control (C.P. 50), as well as in virtue of the special power conferred upon it by art. 1003 C.P., can prevent all inferior tribunals from proceeding without jurisdiction.

Assuming that the commissioner presides in a court, whenever he sits, that court is not an inferior tribunal.

It is true that the Superior Court has a right of supervision and control over all the courts of the province (C.P., art. 50), but that power does not include the control of a federal court, such as this one. The Commissioner in Extradition has powers equal to those of the judges of the Superior Courts, and the art. 1003 C.P., is not applicable to it.

But the appellants call in question the right of the Federal Government to establish such courts. That is the gist of the following question, which we shall now answer:

Is the appointment of Mr. Lafontaine a valid one?

Section 132 of the British North America Act says:

“The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any province thereof as part of the British Empire towards foreign countries, arising under treaties between the Empire and such foreign countries.”

[And section 101:

“The Parliament of Canada may, notwithstanding anything in the act, from time to time, provide for the constitution, maintenance, and organization of a general court of appeal for Canada,” and for the establishment of any addi-