

has attempted to demonstrate, and has apparently succeeded in demonstrating to his own satisfaction, that prohibition would not lie in such case. Whether or not his arguments will commend themselves to the profession at large remains to be seen.

The decision of the Supreme Court of New Brunswick in the case of *Re Steadman* proceeds upon the simple ground that though the County Court judge exercises a special jurisdiction in holding a recount of votes under the Election Act, yet if he exceeds the jurisdiction thereby conferred upon him he is subject to prohibition by a superior court, as he would be in performing his ordinary functions as a County Court judge. Now, how does Mr. Justice Fournier meet that plain proposition of law? He opens his argument by stating that the jurisdiction conferred by the election is special, that the rules governing its exercise are only to be found in the statute, in constitutional principles, and in the English jurisprudence on controverted elections, and that it is not subject to ordinary procedure in the courts further than that it is to be administered by the judges who compose them. Thus far nobody will dispute the correctness of his lordship's statement of the law. He then quotes from the judgment in the court below to the effect stated above, and that in issuing the rule *nisi* Judge Tuck was acting judicially, and the charges against him by the defendant Ellis were calculated to interfere with the administration of justice, and bring proceedings of the court into contempt, and he attempts to controvert that judgment by citations from the well-known cases of *Valin v. Langlois* and *Theberge v. Landny* in the Privy Council. His object in referring to those cases is to show, what nobody will deny, that the authority and legislative power over all questions relating to Dominion elections is in the Dominion Parliament, and he makes a deduction from these authorities which, stated baldly and without further comment or argument, seems to satisfy himself that, as election matters were transferred to the courts for the purpose of arriving promptly at a final decision, and to make it clearly known as speedily as possible, such purpose would be entirely defeated if the proceedings were allowed to be interrupted and prolonged by recourse to writs of prohibition and other forms of procedure in ordinary matters. "It is clear," his lordship says, "that the admission of such forms of procedure is altogether illegal, as contrary to the spirit of the law."