

similar limitation of the selection of the judges in Ontario, Nova Scotia and New Brunswick until such time as the laws relative to property and civil rights and the procedure of the courts in those provinces are made uniform, provisions for which, under the Act of the Union of 1867, can be made by the Dominion Parliament, subject to the proviso that any Act of Parliament for that purpose shall only have effect when adopted and enacted as law by the several provincial legislatures interested.

The administration of justice in each province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and also including procedure in civil matters in those courts, is left to the Provincial Government. The highest court within Canada is known as the Supreme Court of Canada. It was constituted in 1875 in accordance with the 101st section of the Union Act, 1867. It has an appellate, civil and criminal jurisdiction in and throughout Canada. It has also an appellate jurisdiction in cases of controverted elections and may examine and report upon any private bill or petition for the same. It has jurisdiction in cases of controversies between the Dominion and the provinces, and between the provinces themselves, on condition that the legislatures pass an Act agreeing to such jurisdiction. Under Act of the Parliament of Canada, passed in 1891, the Governor in Council may refer to the Supreme Court for an opinion upon any matter which he deems advisable in the public interest. Either House of Parliament may refer to the court any private bill for its report thereon.

The court is presided over by a chief justice and five puisne judges, at least two of whom must be appointed from the bench or bar of the province of Quebec, and all of whom must reside at, or within five miles of, the city of Ottawa, where the court holds its sittings three times a year, viz., in February, May, and October. From the decision of the Supreme Court an appeal always lies to the Judicial Committee of the Privy Council of England, the court of last resort for the Empire, excepting in criminal cases; in these the judgment of the Supreme Court is made absolutely final by an Act passed in 1887.

43. The Exchequer Court, presided over by a separate judge, who must reside in, or within five miles of, Ottawa, possesses exclusive original jurisdiction in all cases in which demand is made, or relief sought, in respect of any suit or action of the Court of Exchequer on its revenue side, against the Crown or any of its officers. This court also possesses concurrent original jurisdiction in all cases in which it is sought to enforce any law relating to the revenue. The court may sit at any time and at any place in Canada. This court is also a colonial court of admiralty (the Admiralty Act, 54-55 Victoria, chapter 29), having such jurisdiction throughout Canada and its waters, whether tidal or non-tidal, naturally or artificially navigable, and such rights and remedies in all matters connected with navigation, shipping, trade and commerce, as may be had or enforced in any colonial court of admiralty, under the Imperial "Colonial Court of Admiralty Act, 1890." Admiralty districts, presided over by local judges in admiralty of the Exchequer Court, have been established under the above Act (Admiralty Act, 1891), for the provinces of Quebec, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island and the "Toronto