

the Judge to refer the case to the Supreme Court for adjudication on the constitutional question. It will be the same in civil cases tried before a jury. Evidence would be received and verdict taken, but the constitutional question would be reserved for the Supreme Court. One objection was that in cases involving a larger amount than \$1,000 there might be two appeals, one on the constitutional question and the other on the merits of the case afterwards, but such appeals would be very rare, because when one case would have been decided it would serve as a precedent and become the law of the Dominion. There would be no similar case brought again before the Supreme Court. With the right of appeal this Court would have jurisdiction in revenue cases. To a certain amount the jurisdiction would be exclusive but under it would be concurrent with the other Courts. Finally there were general provisions for the appointment of Registrars and other officers necessary for the Court. These were the principal features of the Bill with the details arranged in order to suit the object thereof in so far as he had been able to effect this. The measure was certainly of the greatest importance. It had been mentioned in the Speech from the Throne four times, and this was the third Bill that had been submitted to the House. Every one admitted that it was very important that the Federal Government should have an institution of its own in order to secure the due execution of its laws. There might perhaps come a time when it would not be very safe for the Federal Government to be at the mercy of the tribunals of the Provinces. He believed this to be an anomaly contrary to the spirit of our Constitution. It was not necessary for him to add any remarks concerning the importance of the measure, because every member was aware of it. He resumed his seat expressing the hope that the House would give its most careful consideration to the bill irrespective of party. Every one he believed would admit that it was not a party measure, and think it his duty to assist in carrying a good law which had for its sole object the harmonious working of our young construction.

Right Hon. Sir JOHN A. MACDONALD said by the courtesy of the Minister of Justice he had received an advance

Hon. Mr. Fournier.

copy of the measure, and had been able to follow him in his very interesting speech on this occasion. He (Sir JOHN) was glad that the measure of the late Government had been of service to the hon. gentleman. He could quite understand and appreciate, as he was sure the whole House would appreciate, the desire of the hon. gentleman that this bill should be considered apart from party views, since its object was the establishment of a court of jurisdiction for dealing with litigation affecting all subjects and all parties. In the first place he did not intend to follow the hon. gentleman in all that he had said. His hon. friend had gone very carefully and elaborately into the different divisions of this measure, and the House would have a better opportunity of considering it on the second reading and for full discussion of all the clauses in Committee of the Whole. He quite agreed with the views of the hon. gentleman that this Court of Appeal, when established, would be a Court of Appeal for Canada—a court that could entertain appeals from the decisions of all the Provincial Courts, whether such decisions were based on Provincial laws, or laws of the Dominion. He knew there was one authority in this House who had a contrary opinion, and that authority was one that he greatly respected, and he was always sorry to differ from, but he (Sir JOHN) was fortified in his opinion by the views entertained by the Minister of Justice and the Government. He believed the logical and grammatical construction of the term "Court of Appeal" made it a Court of Appeal from all tribunals in this Dominion. The hon. Minister of Justice had pointed out one distinction between the Bill of the late Government and this. It was this, that the latter established here a Supreme Court which was a court of appellant jurisdiction as well as an Exchequer Court. He (Sir JOHN) was free to admit that this was an improvement for it avoided any disputes as to jurisdiction. The hon. gentleman would remember it was the intention of the Bill which he (Sir JOHN) had the honor to lay before Parliament that it should be a Supreme Court having an Appeal Court, and an Exchequer side; but he thought, on the whole, there should be two Courts as provided for in this Bill. He would