inability then to prepare a clause which could constitutionally confer the power of trying such cases upon the court directly he had resorted to the expedient of providing that, by the consent of the Provincial Governments concerned, decisions given by the Supreme Court would have their effect in the cases mentioned as fitted for reference to it. It had been suggested that the Imperial authorities should be asked to amend our constitution in this respect, but even with their assistance the change could not be made unless consented to by all the Provinces interested. He felt pretty sure that all the Provinces would not consent, for, as an example, be found that a petition had been filed from New Brunswick protesting against the measure introduced by his right hon. friend the member for Kingston, and if the Imperial authorities were appealed to they would answer, as they have already done under such circumstances, that the Canadian Federal compact could not be altered without the consent of all the parties thereto. The constitution could only be altered with the consent of the Local authorities, and he thought the simpler way would be to make the adoption of these clauses of the Act a matter of choice with the Local Governments. If they adopted it, they would reap its advantages, and if they did not, they would occupy exactly the same position as they did at present. But, then, the Government would have the advantage of referring constitutional cases, as provided in clauses 55, 56 and 57. He would read over the clauses of the Bill bearing upon this subject, as follow :—

"When the Legislature of any Province forming part of Canada shall have passed an Act agreeing and providing that the Supreme Court shall have jurisdiction in the following cases, viz.:—(1st) Of controversies between the Dominion of Canada and such Province; (2nd) Of controversies between such Province and any other Province or Provinces; (3rd) Of suits, actions or proceedings in which the parties thereto by their pleadings shall have raised the question of the validity of a Provincial or Dominion Act; (4th) In any case in which any Superior Court of original jurisdiction in common law or equity in any Province, or any judge of such Court sitting alone in such case, after having heard the parties, declares that in the opinion of such Court or judge the proper decision in such case cannot be given without considering some Dominion or Provincial Act or some part thereof to be unconstitutional; then this section and the three following sections of this Act shall be in force to all intents and purposes.

"The procedure in the cases firstly and secondly mentioned in the next preceding section shall be in the Exchequer Court, and shall, unless otherwise provided for by general rules made in pursuance of this Act, be regulated by the present practice of HER MAJESTY'S Court of Exchequer at Westminster, as far as the same may be consistent with the provisions of this Act, and an appeal shall lie in any such case to the Supreme Court.

"In the case thirdly mentioned in the next preceding section but one, the parties shall, notwithstanding, proceed to hearing and trial, according to the ordinary rules of procedure in the Province wherein the case is pending; and if the trial is before a jury, the verdict shall be taken; but no final judgment will be rendered in such case by the Court or Judge before whom it is pending, whose duty it shall then be, on the application of either of the parties, to order that the case be removed to the Supreme Court, to be heard and decided upon the question so raised, and it shall be so removed accordingly; and after the decision of the Supreme Court, the said case shall be sent back, with a copy of the judgment on the question raised, to the Court or Judge whence it came, to be then and there finally adjudicated upon as to justice may appertain.

"In the case fourthly mentioned in the next preceding section but two, where the validity of a Dominion or a Provincial Statute shall not have been raised by the parties, but in which the Court or Judge is of opinion that the proper decision cannot be given without considering a Dominion or a Provincial Act to be unconstitutional, it shall be the duty of the said Court or Judge to make and fyle of record a declaration in writing, stating the reasons for considering such law as unconstitutional; and after the fyling of such declaration, the case, at the diligence of either party to the suit, shall be removed to the Supreme Court, to be there heard upon the question raised, and after the decision of the Supreme Court, the said case shall be sent back, with a copy of the judgment, to the Court or Judge whence it came, to be then and there finally adjudicated upon as to justice may appertain.

"The next three preceding sections apply only to cases of a civil nature, and shall take effect in the cases therein provided for respectively, whatever may be the value of the matter in dispute, and there shall be no further appeal to the Supreme Court on any point decided by it in any such case, nor on any other point unless the value of the matter in dispute exceeds one thousand dollars."

It will be seen by these clauses that if, for instance, in a case before a Justice of the Peace, in an action for illegally selling liquor, in which the constitutionality of a local law would be raised (as some doubts seem to exist about the constitutionality of some of these laws,) that the evidence would have to be received and the case heard with the exception only that judgment could not be rendered on such questions, it would be the duty of