

proper shape. A little reflection will enable him to do that much better than in the confusion of debate. It is evident that the House is favourable to this Bill, or at least desires a measure that will serve the purpose it is intended to serve. For that reason, I strongly advise the hon. member to take the time that is necessary to put these sections into a proper shape, after consultation with his friends, and when he is ready with it, the House can resume its consideration.

Sir JOHN THOMPSON. And by that way we will get into the Sunday Bill.

Mr. CHARLTON. I may say that my Bill stood first upon the Order paper, and we are now in the very last stage of the session, and I have not been able to go on with it. As that has been alluded to, I may say that I think the proposal I make is one calculated to further the purposes of the hon. member, and at the same time it has the incidental advantage of giving another member a chance to reach measures he is interested in.

Mr. WELDON. I have no desire to stand between the committee and the hon. member's Bill, but, I think, after we have done so much, that I have a right to ask the committee to carry it to a conclusion. I am satisfied that in ten minutes, unless there is some new point raised, we can amend it so as to make it acceptable to every member of the House.

Mr. DAVIES (P.E.I.) I do not think we should have the question forced upon us, when we are agreed that the clause will be futile unless amended. I appeal to the Minister of Justice whether it is right to pass such a clause when we all agree that it is absolute nonsense in the present state of the Bill.

Mr. WELDON. We did the same in regard to one of the sections previously.

Sir JOHN THOMPSON. It is very common to pass a clause with the understanding that we will make the other clauses harmonize, and that is what the hon. member for Albert (Mr. Weldon) asks to be done.

Mr. JEANNOTTE. I desire that the wording of the amendment be changed so as to include the Court of Review as well as the Court of Appeal for the province of Quebec.

Sir JOHN THOMPSON. It strikes me with respect to election cases that we prescribe by the general terms of the Act the form of trial and require the tribunal to make rules of procedure. And so in regard to questions of bankruptcy, we have rules under the Dominion statute.

Mr. MULOCK. That part of the amendment that sets forth that these appeals in election cases shall have precedence should be omitted. The question of procedure should be left to the court, and I doubt if this House has any jurisdiction in this matter.

Mr. CHARLTON.

Moreover, it may not be wise, and on that ground it would be better to drop that part of the amendment.

Mr. DICKEY. I have no objection.

Mr. WELDON. I am perfectly willing to accept the suggestion of the hon. member for North York (Mr. Mulock).

Mr. AMYOT. I suggested that we should make the appeal to a tribunal of criminal jurisdiction, and then we would have jurisdiction in the matter. But we have proceeded to give an appeal to civil tribunals, and thus we have no jurisdiction in the matter of procedure. This is not a special tribunal, for we go before the ordinary Courts of Appeal in every province. There is no use in endeavouring to exceed our authority. By section 91 of the Confederation Act, subsection 27, we have jurisdiction over the Criminal Law, including procedure in criminal matters. Exclusive power is given to Provincial Legislatures by section 92, subsection 14, as regards the administration of justice, including the constitution, maintenance and organization of provincial courts, both civil and criminal jurisdiction, and including procedure in civil matters in those courts. In this instance we use the ordinary courts and give them power to apply our laws, but the procedure before them belongs to the ordinary courts of civil jurisdiction. If we undertake to create a special tribunal having Federal jurisdiction, well and good, and we will then have the right to decide what procedure shall be adopted. When we pass a law here in regard to promissory notes, we know that the subject is within our jurisdiction; but we have no authority to instruct the court as to the manner in which it shall proceed. All matters of procedure in civil courts, and this appeal is to a civil court, are within the jurisdiction of the province, and if we pass a law going beyond that, the Act is ultra vires. We have to follow the procedure of the provinces in cases of civil jurisdiction, and the provinces are absolute in their authority in that regard. The provinces appoint their own officers, make their own rules of practice, appoint their own Queen's counsel, and the Queen's counsel so appointed are as much Queen's counsel in the local courts as are Queen's counsel appointed by the Federal Parliament, and Queen's counsel in courts of Federal jurisdiction.

Mr. DICKEY. I do not think there can be any doubt that we have the right to prescribe some parts of the procedure, and I do not see why we should not regulate the question of appeal. I think that this is a case where we should assume that we have jurisdiction. Having made the offence we should give the man a right to appeal.

Mr. JEANNOTTE. I must still insist that in the province of Quebec the person disfranchised shall have the right to appeal