

is true, Her Majesty's Privy Council as a last resort, but we owe it to necessity; we have not asked for it ourselves. At any rate it is composed of chosen men, all or nearly all of whom are well versed in Roman law—men who, when they have a doubt upon some point, avail themselves of the counsels and advice of the most eminent jurists of France. Nor does the proposed Constitution speak of doing away with this tribunal, which will dominate by its imperial character even over the Court of Appeal which the Federal Government has the power of creating. Here the Convention had national views; it foresaw evidently in the future the day of colonial emancipation. Nevertheless, whatever the intentions of the delegates, their project does not define the attributes of this Federal court; and as there is some apprehension on this point, I would wish to put the following question to the Government:—If this Court of Appeal be established, will it be a purely civil tribunal, or a constitutional one? Or will it be at the same time civil and constitutional? If it be a civil tribunal, will it have jurisdiction over Lower Canada? (Hear, hear.)

HON. ATTY. GEN. CARTIER—The question put by my hon. friend the member for Montmorency is one which it is not easy for the Government to answer, inasmuch as the power conferred by that article is only that of creating a Court of Appeal at some future day, and the jurisdiction of that court will depend on the causes which lead to its creation. The hon. member has very justly remarked that it may become necessary at a future period to constitute such a tribunal. At present the several provinces which are to form part of the Confederation have the same court of final appeal. As long as we keep up our connection with the Mother Country, we shall always have our court of final appeal in Her Majesty's Privy Council. But when the British Provinces on this continent are united by the bond of Confederation, we shall have one uniform system, common to all, in regard to imports, bills of exchange and promissory notes, as well as universal jurisprudence. Accordingly, when we have lived some years under the Federal régime, the urgent need of such a Court of Appeal with jurisdiction in such matters will be felt, and, if it is created, it will be fit that its jurisdiction should extend to civil causes which might arise in the several Confederate

Provinces, because it will necessarily be composed of the most eminent judges in the different provinces, of the jurists whose reputation stands highest, of men, in short, profoundly skilled in the jurisprudence of each of the provinces which they will respectively represent. Well, if this court is called upon, for instance, to give final judgment on a judgment rendered by a Lower Canada court, there will be among the judges on the bench men perfectly versed in the knowledge of the laws of that section of the Confederation, who will be able to give the benefit of their lights to the other judges sitting with them. I must observe to my hon. friend the member for Montmorency, that he disparages the civil law of Lower Canada in the estimate he makes of it; but he need be under no uneasiness on that head. He should not forget that if, at this day, the laws of Lower Canada are so remarkably well understood in Her Majesty's Privy Council, it is because the code of equity, which is a subject of deep study and familiar knowledge among the members of the council, is based on Roman law, as our own code is. All the eminent judges, whether in England, in the Maritime Provinces or in Upper Canada, are profoundly versed in those principles of equity, which are identical with those of our civil code. Now, as to my own personal opinion, respecting the creation of that tribunal, I think that it is important not to establish it until a certain number of years shall have elapsed from the establishment of Confederation, and to make it consist of judges from the several provinces; for this court would have to give final judgment in causes pronounced upon in the courts of all the sections. Neither can I tell what functions and powers might be assigned to it by the act establishing it. Time alone can tell us that; but I do hold, and the spirit of the conference at Quebec indicated, that the appeal to the judicial committee of Her Majesty's Privy Council must always exist, even if the court in question is established.

HON. MR. EVANTUREL—I acknowledge the frankness which the Hon. Attorney General for Lower Canada has evinced in giving the explanations to the House which we have just heard; and I trust that the honorable minister will permit me to ask him one question. Paragraph 32 gives the Federal Government the power of legislating on criminal law, except that of creating