

Educational question) to the Courts and give the opportunity to the authority—be it legislative or executive—which has passed the Statute to appear before such tribunals, and that all parties interested, or whom the Court should think were interested, should have the opportunity of being heard. Of course, my honourable friend (Mr. Blake), in his resolution, has guarded against the supposition that such a decision is binding upon the Executive. It is expressly stated—and that is one of the instances which shows that this resolution has been most carefully prepared—that such a decision is only for the information of the Government. The Executive is not relieved from any responsibility because of any answer being given by the tribunal. If the Executive were to be relieved of any such responsibility I should consider that a fatal blot in the proposition of my honourable friend. I believe in responsible government. I believe in the responsibility of the Executive. But the answer of the tribunal will be simply for the information of the Government. The Government may dissent from that decision, and it may be their duty to do so if they differ from the conclusion to which the Court has come.

“There is another point in regard to which the Court must be guarded in the measure which will be introduced—not this Session, but I hope next Session—based on this resolution and that is that the answer, whatever it may be, should be considered in the nature of a judgment so far as to allow of an appeal to the Judicial Committee of the Privy Council.”

Mr. Blake's resolution was agreed to.

516. In the Session of 1891, in accordance with the promise made by Sir John Macdonald, Sir John Thompson introduced a bill to amend the Act respecting the Supreme and Exchequer Courts.

517. The amending Act as finally passed and assented to on the 30th September, 1891, is as follows:—

Sec. 37 of the said Act (Chap. 135, R. S. C.) is hereby repealed and the following is substituted therefor:—

1. Important questions of law or fact touching provincial legislation or the appellate jurisdiction as to educational matters vested in the Governor-in-Council by the British North America Act, or law, or touching the constitutionality of any legislation of the Parliament of Canada, or touching any other matter with reference to which he sees fit to exercise this power, may be referred by the Governor-in-Council to the Supreme Court for hearing or consideration; and the Court shall thereupon hear and consider the same.

2. The Court shall certify to the Governor-in-Council, for his information, its opinion on questions so referred with the reasons therefor which shall be given in like manner as in the case of a judgment upon an appeal to the said Court; and any judge who differs from the opinion of the majority shall in like manner certify his opinion and his reasons.

3. In case any such question relates to the constitutional validity of any Act which heretofore has been or shall hereafter be passed by the legislature of any province or of any provision in any such Act, or in case, for any reason, the government of any province has any special interest in any such question, the Attorney General of such province or in the case of the