

and lands reserved for Indians; naturalization and aliens; marriage and divorce; the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters; the establishment, maintenance and management of penitentiaries; such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act exclusively assigned to the legislatures of the provinces.¹

Judicature.—The appointment, salaries and pensions of judges are dealt with under sections 96 to 101. The judges (except in the courts of probate in New Brunswick and Nova Scotia) are appointed by the Dominion Government from the bars of their respective provinces, and hold office during good behaviour, being removable by the Governor General only on address of the Senate and House of Commons. Their salaries are fixed and provided by Parliament.

Under the provisions of section 101, empowering Parliament to establish a general Court of Appeal, the Dominion Parliament passed, in 1875, an Act to establish a Supreme Court and Court of Exchequer for the Dominion (38 Vict., c. 11). In 1877, however, these courts were separated and the Exchequer Court of Canada, with one judge, a registrar, and other proper officers, was established. An additional judge was added to this court in 1912.

The Supreme Court of Canada has appellate jurisdiction from all the courts of the provinces, and questions may be referred to it by the Governor General in Council. It has also jurisdiction in certain cases between the provinces, and in cases of controversies between provinces and the Dominion. While its judgment is final in criminal cases, there is in civil cases, subject to certain limitations, an appeal to the Judicial Committee of the Privy Council in England, which also entertains appeals direct from the provincial Courts of Appeal. The decisions of the Supreme Court and of the Judicial Committee of the Privy Council constitute the case-law of our constitution, the legal interpretation of the constitution and of the varied powers of the Dominion and provincial legislatures.

Finance.—Under Part VIII of the British North America Act, the revenues which had previously accrued to the treasuries of the provinces were transferred to the Dominion, notably the customs duties. The public works, cash assets and other property of the provinces, except lands, mines, minerals and royalties, also became Dominion property. In its turn, the Dominion became responsible for the debts of the provinces. Since the main source of the revenues of the provinces, customs duties, was now taken over by the Dominion, the Dominion was to pay annual subsidies to the provinces for the support of their governments and legislatures. These subsidies have from time to time been increased.

Miscellaneous.—Among the miscellaneous provisions contained in Part IX of the British North America Act, are sections providing for the retention of existing legislation of the provinces in force until repealed, the transfer of existing officials to the Dominion, and the appointment of new officials. The Parliament of Canada was also given power necessary to perform treaty obligations of Canada, as a part of the British Empire, towards foreign countries.

Under section 133, either the English or the French language may be used by any person in the debates of Parliament or of the Legislature of Quebec, all Acts of which bodies are to be printed in both languages. Either language, too, may be used by any person in any court of Canada established under the Act, or in the courts of Quebec.

¹*Powers of Provincial Legislatures.*—For details of the general powers of Provincial Legislatures in Canada and their special powers in respect of education, as stated in sections 92 and 93 of the British North America Act, see commencement of the sub-section on Provincial and Local Government in Canada.