

cial Committee of the Privy Council, or to whatever might be the Supreme Court in existence in Great Britain. Reference had been made to the 101st and the 14th clauses. The framers of this constitution were still alive, and it might be presumed they had in view in the framing of that clause the establishment of a court such as this bill contemplated. If the 14th clause were standing alone there could be no doubt as to its meaning, but in the 101st clause it was stated that Parliament might, "notwithstanding anything in this Act," which clearly had reference to something that had gone before. The fact that so many Acts in the different Provinces were *ultra vires* showed that a bill of this kind was necessary. For instance, in the Province of Ontario it was decided that the Legislature of that Province had the power to restrict altogether the issue of shop licenses, and to limit to any extent the issue of tavern licenses. About the same time a similar case involving the same principle was brought before the courts in New Brunswick, when an entirely opposite conclusion was arrived at. Cases of that kind were constantly arising where there was a clear variation in the interpretation of the powers given to the Local Legislatures. Measures were frequently brought up in both Houses of Parliament of only a local character which many believed ought to have been left to the Local Legislatures to deal with. But they had no tribunal to consult as to jurisdiction, and the question was generally decided by the majority of the moment. Under this bill this House would have the power to remit these petitions and bills to the judges of this Court who would readily give advice, and aid us in coming to conclusions as to whether these bills ought properly to be entertained by this House, or sent back to the Local Legislatures.

HON. MR. ALEXANDER considered that after this bill had received such careful attention from the other House, this Chamber ought to give it the greatest consideration. He was not quite sure, however, that there was any urgency for the bill being passed at this moment. There did not seem to be any public need of it in addition

to the present Court of Appeal in Ontario and that of Quebec. He doubted if the time had arrived when we ought to pass this bill. The great expense which the Supreme Court would involve—about \$60,000—was also a very serious objection to it at this time.

HON. MR. HAYTHORNE thought it incumbent on every member of this House to express his opinion on this measure. He regretted that this matter should have come before us at so late a period in the session. These important measures were crowded upon the House with such rapidity that it was impossible for us to devote that attention to them which they deserved. Generally speaking, he approved the principles of the bill. It was high time that a country of the extent and importance of this Dominion should have an Appeal Court of its own. There was one clause in it which he thought introduced a principle out of harmony with the rest of the bill, and opposed the general principles of Parliamentary Government. He alluded to the 53rd clause, by which it appeared that the "Governor in Council could refer to the Supreme Court for hearing or consideration, any matters whatsoever as he might think fit." It was interfering with the responsibility of Parliament, and therefore he could not accept it. With such a clause in the bill, great evils might result to the privileges of the Local Legislatures and perhaps to some of the Provinces. Suppose that the Government were under a strong pressure to set aside some Act of the Local Legislatures, or suppose they differed in opinion among themselves, or that the Queen's representative was opposed to the views of his advisers; what more convenient than to have a Court of Appeal to whom the Governor in Council could remit such questions for their decision? Any measure arising proving inconvenient to the Ministry of the day, they could remit it to the Supreme Court, and then come down to this Legislature and declare that the Supreme Court had given an adverse decision upon it. In this way it was clear that the Ministry would avoid much of that responsibility to Parliament under which they now rested. He preferred to leave the rights and