can make any laws within their power, why should they not have the right to declare that their own courts should decide such cases, since they make the law to fit the cases? More of Mr. Blake:

This charter being granted under the authority of an Act of the Imperial Legislature was decided absolutely to preclude the right to appeal except with the leave of the local court. But even if it were to be held, contrary to these authorities, that there still remained in Her Majesty power on special application to grant leave to appeal in cases excluded by the local laws, yet these laws would have force for the purpose of preventing appeals in the excluded cases without such leave by virtue of the ordinary jurisdiction of the judicial committee.

Now, here is another part of this memorandum of Mr. Blake's. To avoid taking up the time of the House I shall read only a short extract:

If it was competent to provincial authority and is competent to Canada, to make the judgment of local courts final in the vast majority of cases, it must surely be, by the same process of reasoning, within its competence to make that judgment final in all cases. There can be no pretence for saying that while the prohibition of all appeals in criminal cases, and the limitation of appeals in civil cases, to questions involving over £500 sterling or $4,000 are lawful, the extension of that limitation to $20,000 or $100,000, or the application to all civil cases of the principle of prohibiting appeals already applied to most civil and all criminal cases is unlawful. Unless therefore it should be intended to reverse the settled current of local legislation, to assume power which has never before been used in like cases, and to withdraw by the exercise of executive authority the rights and liberties of Canada and the provinces, conferred by the Imperial Parliament and established by the usage of so many years, it would seem to be impossible to disallow the Act in question.

The Hon. David Mills, on February 10, 1881, quotes from Chancellor Kent, in his Commentaries, where he states that it is better to have a wrong judgment occasionally than to have numerous appeals, and that the highest court in the province should be the final court of appeal for the affairs of that province.

Here is a letter addressed to the Governor General, the Right Hon. the Earl Dufferin, from Downing street, London, 9th March, 1876. It must be remembered that after the court had been organized, the judges had been appointed, and their salaries were being paid, still no business could be done for fear, forsooth, that the Act might be disallowed; and who would be responsible for the costs of suitors who had appeared before the Supreme Court? Mr. Blake had actually to take a trip to England to see the Imperial authorities and show them the number of cases waiting to be heard before the Supreme Court, because action could not be taken until the Imperial Government had actually decided that they would not advise Her Majesty to disallow the Bill.

Hon. Mr. DAVID—Will my hon. friend allow me to put a question to him?

Hon. Mr. CASGRAIN—I would ask the favour not to be interrupted just now.

Hon. Mr. DAVID—But you say in your motion——

That, in the opinion of the Senate, a judgment of the Supreme Court of the Dominion of Canada, when unanimous, should be final except in constitutional cases.

I should like to understand if your motion applies only to appeals to the Privy Council, and not to appeals to the Supreme Court.

Hon. Mr. CASGRAIN—I shall try to answer the hon. gentleman when I get through. He must remember that it is very difficult for a land surveyor to talk about these things, and at best it is hard enough for me to follow the lines.

Hon. Mr. LOUGHEED—A land surveyor ought to be able to follow a line better than any other class of persons.

Hon. Mr. CASGRAIN—Not a legal line.

Hon. Mr. POIRIER—Get a fishing line.

Hon. Mr. CASGRAIN—Here is the letter of the 9th March, 1876, addressed to the Governor General the Right Hon. Earl Dufferin, and signed by the Earl of Carnarvon. I shall read only one paragraph.

Hon. Mr. CLORAN—Read the whole of it.

Hon. Mr. CASGRAIN—It is too long.

I also enclose a draft clause which, in the opinion of the highest authorities, might serve to guard the Queen's prerogative, and at the same time to secure the objects which the Dominion Legislature is understood to have principally desired to attain.

Then the next paragraph:

The first of these memoranda was prepared in the Privy Council office by the direction of the Lord President, when the Act was originally received here, and the second, which has been revised and settled by the Lord Chancellor, embodies the opinion which his Lordship is disposed (subject of course to any further explanations) to entertain on the whole subject, after perusing Mr. Blake's memorandum.

The question of loyalty was always appearing, and here is a little paragraph which has some bearing on that point: