

judges shall have all the jurisdiction, both civil and criminal, possessed by any judge of the Court of King's Bench under any statute of Canada or the provinces. So soon as the chief justice of the Court of King's Bench ceases to hold office the chief justice of the Court of Appeal shall be styled the chief justice of Manitoba. He will take precedence after the present chief justice of the Court of King's Bench has retired. The chief justice of the Court of Appeal and the other judges of that court will also be ex-officio judges of the Court of King's Bench, and may, in addition to their duties as justices of the Court of Appeal, preside over any trials in civil or criminal cases in the Court of King's Bench to be tried before a judge with a jury, and over any trials at bar and over the trial of any election petition.

Hon. Mr. LOUGHEED—Have they exclusive jurisdiction in regard to election petitions?

Hon. Mr. SCOTT—I cannot say they have, it is open to doubt. They are given special jurisdiction over election petitions. They seem to be on the same plane with the judges of the King's Bench, because they have jurisdiction, both civil and criminal, possessed by any judge of the Court of King's Bench.

Hon. Mr. MACDONALD (B.C.)—What is the occasion for this special court in Manitoba? In the other provinces there is no special Court of Appeal.

Hon. Mr. SCOTT—Manitoba is a growing province, and a very ambitious one, as my hon. friend probably knows. The amount of business done there is increasing very rapidly. They have the right under the constitution to create a court of the kind, and if they do so we cannot ignore it altogether. The simpler way is to recognize it.

Hon. Mr. LOUGHEED—In connection with what my hon. friend has stated about the jurisdiction in the controverted elections, may I ask was it at the instance of the Manitoba government that clause 3 of the present Bill was introduced? That is the clause which makes provision for the transference of controverted elections from the Court of King's Bench to the Court of Appeal.

Hon. Mr. SCOTT—No I do not think so. I do not think there is any correspondence. I think the Department of Justice may have inferred that it was intended to give exclusive jurisdiction to the Court of Appeal. I would not care to say definitely, having only read the statute hastily.

The motion was agreed to.

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. David: That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.

Hon. Mr. ELLIS—In the few observations which I propose to make upon the resolution offered by the hon. member from Mille Isles (Hon. Mr. David), I will endeavour, as far as possible, to be impersonal, and to follow the excellent example which that hon. gentleman set when he introduced the subject. Of course it is not easy, perhaps, to be as impersonal as he was, because there have been several speeches made during the discussion, and it may be necessary to refer to some of them. The hon. gentleman from Marshfield (Hon. Mr. Ferguson), in his opening observations, referred to the fact that on a previous occasion I had made some remarks upon the Senate, and he observed that I had the credit of being in favour of the abolition of this body; that I was here to speak for myself, however, and could say whether that impression was well founded or not. In the observations which I made during the debate on the address at the opening of the session, I referred to the circumstance that the hon. leader of the opposition had constantly complained, since I have been here, that the Senate was not properly treated in the presentation of public matters by the government; that many important matters were kept back until the closing days of the session, when they were hurried through. The rejoinder of the hon. Secretary of State, was that that had been the former practice as well as the present one; and I argued from that and from other similar causes