

to this Parliament the power to create such a Court of Appeal as is now under consideration, the hon. gentleman denied to the Dominion Parliament the constitutional right which an hon. member had stated they had, to deprive the people of the Provinces of the appeal to the Privy Council. This he said was left to the several Provinces to decide upon. He concluded by announcing his intention to vote for the three months' hoist.

HON. MR. SCOTT did not propose to discuss the constitutional question involved in the 101st clause, as the general opinion seemed to be that we had the power under that Act to institute a Supreme Court. The hon. gentleman (Mr. Dickey) had not made any point of magnitude or importance. He had objected to all the judges residing at one point, but further reflection would convince that gentleman that it was desirable to have the judges all reside at or near the seat of Government. Another point alluded to was that the judges had the power of fixing the tariff. We have found as a matter of convenience that it was always very much safer to leave these details to the judges. In Ontario the Legislature invariably left the forming of the tariff to the bench of judges, who were in a much better position to do that than a legislative body. His hon. friend had dwelt for some time on the forty-seventh clause, making some observations of his own on what had been termed the sentimental clause. He (Mr. Scott) regarded that as the least important part of the bill. The people of Ontario were almost unanimously against appeal to England, as being altogether unnecessary. They felt that the judges were likely to have on that tribunal would be quite as equal in point of ability, to give intelligent expression to our laws, as the judges in England. Her Majesty was quite as much represented on the judiciary of this country as on the Supreme Court in the City of London. Some gentlemen, no doubt, felt that it was cutting asunder the "tender cord," the "silken tie," and he would now state that if there were a general sentiment prevailing in this House that the 47th clause should be struck out, the Government would consent to do so if by that

they could meet the objections of hon. gentlemen.

HON. MR. KAULBACH said—it is apparent the Government do not comprehend the full scope and effect of this bill beyond that it adds to the burdens on the country, as seems admitted, of some \$100,000 annually, and this to be done by a Government professing purity, temperance, and economy, but practising none of those virtues. Even the introduction of this bill to us, the honorable Minister of Agriculture, after all the light shed on it in another place, could not, or failed to, inform us whether appeals to the Judicial Committee of the Privy Council were possible as an alternative to the appeal to the court, proposed to be intitled by this bill. He was free to admit that the framers of our Constitution gave us powers to organize, under the British North America Act, a general Court of Appeal; the power to administer laws, not to over-ride them, or to take from this Parliament the right to decide constitutional questions, or our rights, as British subjects, of appeal to the highest courts of the Empire. This bill would curtail the liberties of the people, and tend to sever British connection. The time may come when such an expensive court may be necessary to complete our general judicial system. But we should not impose this expense until it is needed and demanded by the country. The very promoters of this bill were the strongest opponents to such a court some eighteen months ago. It may be fairly asked, Have we the right thus to interfere with appeals to Westminster. It has been urged that the prerogative of the Crown is saved. But it is well known that there would be few if any cases in which such privilege would be granted. He had heard it urged by hon. gentlemen that suitors should be obliged to appeal to this proposed court, otherwise there would be little or nothing for it to do. To my mind that argument is conclusive that the court is not needed. Honorable gentlemen will see that by the sixty-fifth clause the right of trial by jury of issue of facts is taken away. And the fifty-third clause would make the judges of the court, censors—yes, more than that; dictators