

HON. MR. KAULBACH—As the Bill is not to be read the second time to-day I will not discuss the question. Many of those who would be excluded from our hospitals by this Bill would be Nova Scotia fishermen, because a large proportion of the fishermen in the United States are from Nova Scotia and the effect of this Bill would be actually to exclude the men who helped to build up those hospitals.

HON. MR. ABBOTT—I understood that I was submitting to the House whether they would take the second reading of the Bill this afternoon or not. I have told my hon. friend that there are two points on which I have received information which differs from his and we can verify it to-morrow and discuss the Bill at the next stage.

HON. MR. POWER—I do not think there is much to be gained by reading the Bill the second time now. In this case there is nothing but the principle of the measure at stake. The Bill can be read at length at the table if it is read the second time to-morrow, and I do not think the hon gentleman will feel that it is desirable to have a division on the second reading of this Bill in as thin a House as we have now.

HON. MR. ABBOTT moved that the order of the day be discharged and that the second reading of the Bill be fixed for to-morrow.

The motion was agreed to.

PROCEDURE IN CRIMINAL CASES AMENDMENT BILL.

SECOND READING.

HON. MR. ABBOTT moved the second reading of Bill (B)—“An Act to amend the law respecting procedure in criminal cases.”

He said :—This is a Bill to make provision to clear up a difficulty which has arisen in connection with the appeals in criminal cases. The substance of the Bill, I think, is to be found in the 5th

sub-Section of the 1st clause which provides as follows :

5. “Notwithstanding any royal prerogative, or anything contained in “*The Interpretation Act*” or in “*The Supreme and Exchequer Courts Act*,” no appeal shall be brought in any criminal case from any judgment or order of any court in Canada to any court of appeal established by the Parliament of Great Britain and Ireland, by which appeals or petitions to Her Majesty in Council may be ordered to be heard.”

I understand that there has been some doubt entertained by some people as to this right of appeal in criminal cases to the Privy Council. The Government have been of the opinion that there is no such appeal, and they have on more than one occasion, I think, carried out the sentence of the court disregarding applications, informal or otherwise, which were made to appeal. They are of opinion now that it would be advisable to settle this question once for all by an authoritative declaration of Parliament, and that is the main object of this Bill. The first Section merely repeats the law as it stands in order that the Section may be complete in itself in the new Act. The 2nd is the repealing clause, and the 3rd provides that the Act shall not come into force until a day shall be named by the Governor-General by proclamation, the object being to give an opportunity to discuss with the Colonial Office the question of appeal. The 4th clause is to make an amendment in order to procure greater accuracy in the revision of the Statutes. It removes an apparent exception to the writ of error in the Province of Quebec, and makes the law general. The 5th clause is the one which removes the appeal.

HON. MR. DICKEY—I believe that the Hon. Minister is quite right in saying that considerable doubt has existed on this point. I believe, as a matter of fact, that some two or three years ago, if I am not misinformed, an appeal to the Privy Council was made in the case of a person sentenced to death for murder, and so convinced was the Government that there was no such appeal that they hanged the man and got the decision afterwards. They were so impressed with the fact that the prisoner deserved to be hanged.