

referred to the court of appeal of the province concerned. Just what that court of appeal would do with the record I do not know; neither do I recall if there is any direction in the report of the committee as to this. I presume that if the court of appeal felt a case should be reheard, a direction would be given to that effect.

It is also proposed that there be an appeal of right from the provincial court to the Supreme Court of Canada. Among the documents that have been recently tabled in this house is the report of the Fauteux Committee, which contains many recommendations as to the parole and the care of prisoners in penal institutions. These matters cannot be considered by Parliament alone, for many of them are the direct responsibility of provincial Governments. It has therefore been proposed by the Minister of Justice that a meeting be called between representatives of the provinces and representatives of the Dominion to go over that report very carefully. The cost of the administration of justice is the responsibility of the provinces. The Minister of Justice did not think it would be proper to recommend in this legislation, without consulting the provinces, that an appeal as of right be made from a provincial court to the Supreme Court of Canada. He did not think it would be proper to saddle that expense on the provinces without at least consulting them. The minister has assured Parliament—and I repeat his assurance—that this whole question will be reviewed, to see if it is advisable and feasible to have an appeal as of right from the provincial courts to the Supreme Court of Canada in capital cases.

The Hon. the Acting Speaker: Honourable senators, the question is on the second reading of Bill 443, an Act to amend the Supreme Court Act and the Criminal Code. Is it your pleasure to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Mr. Hackett: On division.

The motion was agreed to, and the bill was read the second time, on division.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed, on division.

NAVIGABLE WATERS PROTECTION BILL

COMMONS AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the House of Commons to Bill O-8, an Act to amend the Navigable Waters Protection Act.

Hon. Salter A. Hayden moved concurrence in the amendments.

He said: Honourable senators, I should point out that the chief amendment is to strike out section 6 of the bill in the form in which it was originally presented to this house. Section 6 repealed section 10 of the act and gave the minister the right to make certain regulations. Under the original act it was the Governor in Council that had the right to make the regulations. The Commons felt that the power to make the regulations should preferably be with the Governor in Council rather than the minister. Accordingly, they struck out section 6 of the bill, which has the effect of leaving section 10 in the statute in its present form.

Section 5 of the bill has been amended in part by the Commons consequential to their striking out section 6, because section 5 had a reference to section 10 as enacted by this bill.

Honourable senators, those are the two amendments and the purport of them.

The motion for concurrence in the amendments was agreed to.

CUSTOMS TARIFF BILL

SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill 448, an Act to amend the Customs Tariff.

He said: Honourable senators, this bill is very short but the schedules attached are quite long. However, I will try to explain the bill briefly.

I would like first to deal with sections 2, 3, 4 and 5, and then come back to section 1.

Section 2 simply provides for the striking out of certain items in Schedule A to the French version, and reinstating them, because certain misprints occurred in the text in the course of the revision at the time of the consolidation of the statute.

Section 3 deals with item 1209, which in the Customs Act is entitled "Prohibited Goods", and which defines certain classes of prohibited goods. The amendment is necessary by reason of an order made under the Trade Marks Act and which came into force a year ago. Under item 1209, the customs officer could refuse to admit goods bearing a trade mark or name registered or held by