first Act was introduced in England in 1844, and from that time there was a period of nearly 80 years before the present Act went on the statute book. Many judges had corroborated it, many eminent lawyers had spoken on it, eminent legislators who were not lawyers had championed the cause in the House; yet it took that long period of education before the court of Appeals finally found its place on the statute book.

We have in fact important legislation on subjects akin to that legislation, and have wisely followed the legislation of the old country, because the parliamentary draftsmen connected with the Houses of Parliament in the old country are most eminent lawyers, and those Houses have at all times among their members a percentage of the most eminent barristers in England as well as a percentage of eminent solicitors. And the culture and varied experience of the Bar of England are of enormous assistance aided by parliamentary counsel in passing legislation. They have been cautions in all kinds of criminal legislation, but we have proceeded more rapidly in Canada. We are not trammeled by traditions. Take the Criminal Code, with which this measure would be associated. You know that the Criminal Code of Canada is very largely founded on the English draft Criminal Code which I think has not yet found a place in the statute book of England. It only shows that in the newer country we are more ready, and make more rapid progress than they do in any old country.

Now I am going to gallop through the few things I want to say. The court of Criminal Appeals in England, constituted in 1908, was as I say established by Act of Parliament after long controversy and long examination. A great many people thought the Act was not required, that its provisions would never be invoked. The honourable member for Winnipeg has shown, however, that that is not the case. He has been good enough to furnish me with a list of the cases that were heard under the Act, which demonstrates that the Act has been of some active help in the administration of criminal law in England. Applications for leave to appeal in the year 1913 were granted in 111 cases. In addition, there were 33 appeals on grounds involving questions of law. In 73 cases sentence was confirmed, in 79 convictions were quashed, 47 sentences were reduced, and 5 appeals were abandoned. That is a good practical illustration of the fact that in England, with all the safeguards around this Act, it is serving a useful and necessary purpose.

My honourable friend from Winnipeg (Hon. Mr. McMeans), while dealing with many phases of the question, did not deal very fully perhaps with the actual provisons of the Act. Anyone can read it, and I suppose that is one reason why I should not deal with it at length. From the Act and text-books issued at the time the Act came into force, you will find that in the first place the appeal must be against a conviction; and that, in the second place, it can be on a point of law or a point of fact, or on a mixed point of law and fact. Heretofore in Canada we have had no appeals, that is, from the higher courts, except on questions of law. The trial judge sitting in assize can, at the instance of the accused, reserve a point of law for the consideration of the Court of Appeal, or he can refuse to do so, if he see fit, whereupon an appeal lies to the court immediately above for the right to appeal on that point of law. But in this country there is no appeal on a question of fact. In England they proceeded a little differently, but they are practically on a parity with Canada in the procedure. Formerly in England the judges, not by compulsion but voluntarily, conferred together in dealing with criminal appeals, to establish a similarity of procedure. That voluntary conference ended with the establishment in the early forties of the Court of Crown Cases Reserved, by 11 and 12 Victoria, chapter 78. That was the first court established in England for the purpose. That court had not jurisdiction to deal with questions of fact, but could only try points of law. It disappeared with the coming into force of the Judicature Act, under which the powers were vested in the Court of Appeal. Now, the new court can deal with a question of law or of fact, or a question of mixed law and fact. There is no appeal by the Crown except in a case in which it is certified by the Secretary of State that it is desirable in the public interest that an appeal should be brought, when it may be taken to the House of Lords. But to all intents and purposes, when the Court of Criminal Appeals has dealt with a case, it is finished. The judges of that court are given very plenary powers: they have power to amend a conviction or to impose another sentence in place of the one already imposed, so long as the evidence warrants it. They have also the power of hearing witnesses and taking new evi-