

Court. A similar Court was established at a period almost coeval with the establishment of the Constitution of the United States; and the principle had there been jealously preserved, that constitutional questions of this description ought to be adjudged of by the Court only on the presentation of a particular cause between parties. Indeed there is no power, and he believed that there should be none, to dispose of a question on the submission of a general case, as now proposed. This point had been considered on more than one occasion. It was presented the other day with reference to a provision in a Bill, when he gave his opinion as to its inconvenience. He observed that the other branch of the Legislature had come to a resolution in that sense on the subject; and he believed that it was this day presented with regard to another important question. He had ventured to observe, although he did not say, that a circumstance might not arise in which it might be useful to avail themselves of this power with respect to such questions as might come before courts of law, that the precedent set them in connection with the United States' Court, and also invariably, or almost invariably observed with reference to the Judicial Committee—and it was a wholesome precedent, only departed from on pressing emergencies—that in all cases in which a matter could come judicially before the Supreme Court, it ought to be represented to come before it judicially, and not in any other way and should be followed faithfully in this country. With regard to this class of cases, there could be no difficulty about their coming before the Court judicially; they could be raised in reference to any Acts of a Local Legislature—as had been done before local Courts. This question had so been raised in New Brunswick and Ontario, as his hon. friend had said; and he had some reason to believe that an appeal would be taken from one of these decisions. At any rate, if this were not proposed, nothing would be easier than to find a case in which an attempt could be made to quash a municipal by-law; or the object could be effected in some other way with the view

of testing the validity of the local law involving this constitutional point. He would venture to suggest that his hon. friend, and those who were similarly interested in this subject, should see that use was made of the ordinary methods for bringing this question before the Supreme Court; and he thought the House would agree with him in the opinion that they ought to hesitate before they proposed to bring it in this extraordinary and necessarily perfunctory manner—before the consideration of that Court. The motion was agreed to.

MR. ROCHESTER'S CLAIM.

Mr. McDUGALL (Renfrew) moved for the appointment of a Committee to enquire into a claim made by George Rochester and which had been considered by the Dominion arbitrators, before whom a considerable amount of evidence taken. The claim he explained arose from the loss of timber belonging to Mr. Rochester owing to the breakage of a boom at Arnprior in the year 1871. The booms there were owned and under the charge of an officer appointed by the Government. It was quite true that it would be hard in all cases to make the Government responsible for damages occasioned owing to exceptionally high water, or other extraordinary causes. He would show that on this particular occasion, the person who had charge of the booms had neglected his duty; this was clearly shown in the evidence. The Hon. Jas. Skead was one of the witnesses and he quoted from that gentleman's evidence, as well as from the evidence of several other witnesses, to show that the officer in charge had been warned that the boom was likely to give way. One of the Arbitrators had, however, favoured Mr. Rochester, and seemed to feel that a very considerable injustice had been done this gentleman. He asked the House to consider whether or not this had been the case, and whether the neglect was wilful or otherwise; he thought that under the circumstances a Committee should be appointed. It was true that the evidence might imply that an injustice had been wilfully done to this individual, but he made no such charge, let the inference be what it might.

Hon. Mr. BLAKE.