

CANADA.

No. 55.

DOWNING STREET,
9th March, 1876.

MY LORD,—

I was much gratified by the intimation which I received from you some time ago by telegraph, that the Minister of Justice of the Dominion would visit England early in this year for the purpose of conferring with me on the subject of Canada Supreme and Exchequer Court Act of 1875.

This course has appeared to Her Majesty's Government far better calculated than any other could be to promote a clear and satisfactory understanding of the questions as to appeal which are raised by the 47th Section of this Act.

As these are questions of policy as much as of law or constitutional right, they are eminently such as should be cleared up, as far as practicable, by friendly discussion before opinions or decisions are definitely expressed in writing.

2. As, however, Mr. Blake's Parliamentary and professional duties have necessitated some slight postponement of his visit, and as the subject is one of much importance, with respect to which it seems desirable that your Government should be made aware of the general opinions of Her Majesty's Government (in so far as they have allowed themselves to form opinions pending these further personal explanations with Mr. Blake, to which I look forward.)

I think it may be convenient that I should transmit to you copies of two memoranda which have been drawn up here, stating the objections to which it has been conceived that the Legislation now in question is reasonably open from an Imperial, if not also from a Canadian point of view.

3. I also enclose a Draft Clause which, in the opinion of the highest authorities, might serve to guard the Queen's prerogative, and at the same time to secure the objects which the Dominion Legislature is understood to have principally desired to attain.

4. The first of these memoranda was prepared in the Privy Council Office by the direction of the Lord President, when the Act was originally received here, and the second, which has been revised and settled by the Lord Chancellor, embodies the opinion which His Lordship is disposed (subject of course to any further explanations) to entertain on the whole subject, after perusing Mr. Blake's memorandum.

Governor General,

The Right Honorable

The Earl of Dufferin, K.P., K.C.B.,

&c., &c. &c.