sent year the Government had at this time to ask for the present vote of supply.

"Does my hon. friend apprehend," asked Hon. Mr. Harcourt in reply, "that these three weeks of the present session of the House are really a part of the session of 1899. These 21 days are the introductory of the session of 1899. Well, now, I ask my hon. friend to go back as far as he likes in the journal of the House and he will find in the early days of the session a vote of credit or a vote on account is taken of an approximate amount to meet expenses occurring before the supply bill is finally passed in the third or fourth month of the year, so that we are now doing in this session what is really for the session of 1899—what we have done every year since Confederation and what has been done in the Home Government, the mother of Parliaments, from time immemorial and decade after decade."

Mr. Harcourt continued and dealt with the "wild imaginings" of Col. Matheson in relation to the alleged deficit, which provoked a lengthy reply from the member for South Lanark in which he characterized Hon. Mr. Harcourt's statements as "misleading dreams." The item finally passed and the House went into Committee of Ways and Means, adopting the estimates as a whole and adjourning until the next session of the House.

The Constable Bill.

The House then went into committee on the constable bill. After some discussion Mr. Hardy proposed in order to meet a contention by Mr. Whitney to increase the number of counsel who shall be heard before the Court of Appeal from two to three. The Government in naming the number to be heard desires to expedite the business of the court. The following words also were by consent struck out :—"And in the manner provided by section 2 of the act to expedite the decision of constitutional and other Provincial questions." Rev. stat., chap. 84.) These two lines occurred after the provision for an early judgment and were held to be unnecessary. Mr. Whitney asserted that they might be confusing.

As to Finality.

The clause went on to state that "the decision of the Court of Appeal on the said questions shall be final and shall not be subject to any appeal, and shall at or upon the trial of any of the aforesaid election petitions have the same effect as a final judgment of the said court in a litigated cause, and shall be binding on the said court and upon all other courts and Judges."

The Opposition again cast doubt upon the finality of the decision of the court, the contention being that the case could still be carried to the Supreme Court, notwithstanding the specific wording of the act. Hon. Mr. Hardy and Messrs. Whitney and Foy, Q.C., argued from their respective standpoints, and quoted many legal opinions as to the jurisdiction of the Supreme Court in the case in point. Mr. Whitney quoted Mr. Justice Taschereau, who enunciated conclusively the principle of the denial of the right to appeal under the statute, while to the same extent denying the power of the Legislature to compel the delivery of a decision of the Court of Appeal being binding and conclusive upon the rota Judges and on any other court, and also the Court of Appeal. Mr. Whitney argued that the condition of affairs would be still more confusing after the passage of the act.

Mr. Foy, Q.C. (South Toronto), contended that while submitting the question to the Court of Appeal that court was really not a Court of Appeal in the matter, but a court which gave its judgment after argument, like any other court. The difficulties amounted to this : That although this question may be answered by the Court of Appeal, they are not answered in a litigated cause and have no more weight or force than an opinion delivered by eminent men, and they bind no Ontario court, and do not bind the Court of Appeal themselves.

Mr. Hardy contended that a quotation by one of his hon. friends from the judgment of the Privy Council that the question before them was rather academic than judicial did not apply in the present case at all. In the case quoted they were answering questions as to an act that might be brought or passed in the future ; they had no particular or specific question, or any particular section of an act before them to interpret. The question was academic. Here, however, it was confessedly different. They had an act of Parliament—section 6. They asked the court the meaning of that section. It was a simple, not an abstract question—Does section 6 mean "Yes" or "No"? There was no great difficulty attaching to it.

Submission by Question.

After a further criticism of the points raised by the Opposition, Mr. Hardy went on to say that he could not speak for the Court of Appeal; nor could his hon. friends. They were, however, prepared to judge the Court of Appeal in future by its record in the past. He admitted that the court were probably not very fond of such questions, but insisted that they, the Supreme Court, and the Privy Council as well, have given judgment heretofore on questions submitted. And it was idle and useless to say that because some questions have had a peculiarity about them to which Judges have taken objection they were going to object to all matters submitted in the nature of questions. The Manitoba school case was submitted upon questions to the Supreme Court and the Privy Council, and there was also something in connection with Manitoba railways submitted in the same way to the Supreme Court. The McCarthy act as to the liquor clause, the County Courts act of British Columbia were submitted in that way also. and the boundary case was submitted to the Privy Council in the nature of a special case having very largely the appearance of questions. One of the most complicated questions, judging from the judgments which he had in his desk, was the fisheries case, which involved former decisions of the Supreme Court upon questions, and was carried in that way to the Privy Council and answered definitely and specifically. Yet there was nothing which said in any of the acts under which they were submitted that