

will only say that I am disposed to vote for the existence of this Court if it is properly reconstructed, but if it is not, I am disposed to vote against it as I have before.

Mr. STRANGE. I venture, as a layman, for a moment or two, to trespass on the attention of the House, because, when I was before the electors, I found that the question under discussion was one of great importance in the mind of almost every elector. It was felt that the Courts of this country were more than the requirements of the people demanded. It was felt among my own constituents—and I believe it is felt among the constituents of other hon. gentlemen—that the expenditure necessarily involved in the maintenance of these Courts was more than the resources of the country could well tolerate. The question was put to me whether, in the event of this question coming before the House, I would apply myself towards favoring the repeal of the Supreme Court Act. I took the ground that we have in Ontario a Court of Appeal to which any cases from the inferior courts might be referred, and that in my opinion—an unprofessional one, of course—so far as that Province was concerned, the Supreme Court was unnecessary, and therefore, that I should have no hesitation in voting for its repeal. I believe, Sir, that on this question, as on every other question before this House, the popular will ought to be supreme. Lately we had a very important question before this House and before this country, and hon. gentlemen occupying the highest positions in the House have asserted that the popular will ought to control that question irrespective of Parliament. Well, Sir, here is a question—the question of the repeal of the Supreme Court Act—upon which, I believe, if the electors had an opportunity of pronouncing upon it next week, they would, by a vote of five to one, declare that the Court should be abolished. I have, therefore, no hesitation in saying that if we are to have a vote as to whether the Court shall be continued or abolished, I shall vote for its abolition.

Mr. MACDOUGALL. After the remarks of the hon. member who has just taken his seat, I feel it necessary to say a word or two with respect to the subject now before the House. I do not agree with my hon. friend from North York (Mr. Strange) in his interpretation of the will of the people upon a question of this character. I have had some little experience for now some thirty years in discussing, through the press and as a member of Parliament, public questions of great concern to the people of this country, and the conclusion I have arrived at with respect to technical questions of this kind—questions of administrative or of political machinery—is, that it is absurd to say that the will of the electors—as it may be expressed in conversation, or at public meetings called by political candidates—is hardly the true will of the people with respect to questions of that kind. We must admit that this is a technical question. The Supreme Court is a part of the machinery for the administration of justice in this Dominion. The framers of the Constitution wisely, as I believe, provided for the establishment of a Supreme Court—a Court of final appeal from the other Courts of the several Provinces of the Dominion, and, so far as my recollection enables me to judge, I think that was regarded as a very important provision in the Constitution. Indeed, it seems to me that the Constitution would be imperfect, that it could not be satisfactorily or successfully worked, unless we had within this country machinery under our own control to dispose of litigated questions, especially those involving the interpretation of the laws of this Parliament, and of the Local Legislatures when they may come in conflict—constitutional questions, questions of the interpretation of the laws of the Dominion, or questions arising upon matters in which this Parliament has exclusive control. It seems to me that, whether you would call it by the name of a Supreme Court or any other

Mr. OULMET.

name, there must be a tribunal which has power, under the law, to determine finally the meaning, the true interpretation of these laws, and of settling questions which spring up in the course of their administration. For my own part, when the Supreme Court was first constituted I felt that a better system might have been devised. As a member of the Government of that day, I was strongly of opinion that a simpler plan might have been resorted to. Under the circumstances, I thought we might have constituted a Court, composed of the Chief Justices of the various Provincial Courts, to assemble at Ottawa, as the most convenient and central point, for the purpose of considering and determining questions of a constitutional character. It seemed to me that that would be a very high court, that it would lead to the very result which my hon. friend beside me pointed to as a desirable result, uniformity in the laws of the civil and criminal jurisdiction of the Provinces; for it is certainly a great contradiction that when we pass over the boundary between one Province and another, we find a different system of laws regulating the ordinary affairs of life. A person removing from one Province to another—and every man must be a lawyer to some extent—finds an entirely new set of laws, and therefore it occurred to those who discussed this question at the time of Confederation, that that was a result to be aimed at—to secure as far as possible a uniformity of law with respect to the civil rights of the subject in all the Provinces of the Dominion. A provision was made in the Constitution for bringing about that result. No action has, so far as I know—

Mr. GIROUARD (Jacques Cartier). Quebec was excepted under that Act.

Mr. MACDOUGALL. Yes; I know there was, but it was hoped that even in Quebec—and I am glad that hope was justified by the remarks we heard from an eminent gentleman in this House from that Province—it was hoped, I say, that even the civil system of Quebec was capable of improvement, and that whatever improvement might take place—and I think the hon. member for Jacques Cartier (Mr. Girouard) uttered sentiments of that kind—would be in the direction of the adoption of these reforms which have taken place in the English system. As was said, we are living in a modern period; many new questions have arisen; many laws are now in force in the Province of Quebec which never entered into the minds of the juriconsults of Rome or Paris. We are necessarily assimilating in our habits of thought and our habits of life. Therefore, I say it was a wise provision which looked to the assimilation of the laws of the different Provinces, though out of respect to the tender feelings of the Province of Quebec and their civil system, the framers of that Act did secure to the people of that Province that exception in their favor, which they prize so highly. But, looking to the future, it seems to me that it is desirable to frame a system of jurisprudence which will tend as far as possible to bring about the uniformity to which I have referred. The Supreme Court is a very able Court I think. Some of the judgments rendered by these gentlemen, not previously acquainted with active politics, not accustomed to consider questions of politics in the way that members of Parliament must necessarily consider them, show that they have grasped the spirit as well as the spirit of the Constitution, and they have laid down fundamental principles with great perspicuity and great accuracy with respect to the interpretation of our Constitution. There may be other Courts which would have arrived at the same result in the manner in which this Court has done; but, at all events, it is an established Court. It is one of the institutions of the country; and I regret that members of this House—I will not say in a spirit of levity or indifference to the settled institutions of