

House of Commons Debates

SECOND SESSION—TWELFTH PARLIAMENT.

HOUSE OF COMMONS.

TUESDAY, March 25, 1913.

The SPEAKER took the Chair at three o'clock.

REPORT PRESENTED.

Report of Veterinary Director General and Live Stock Commissioner for the year ended March 31, 1912.—Mr. Crothers.

ONTARIO SUPERIOR COURTS.

Hon. C. J. DOHERTY (Minister of Justice) moved for leave to introduce Bill No. 155, respecting the Superior Courts of the Province of Ontario. He said: The purpose of this Bill is merely to make the different dispositions of our statutes attributing jurisdiction to the courts in Ontario conform, as regards the designation of the courts to the changes effected in the judiciary system by the Ontario Act entitled the Law Reform Act of 1909. That Act was brought into force by proclamation on the 1st of January of this year. Among its provisions are certain dispositions changing the designation of the courts. What was formerly known as the Court of Appeal becomes the Appellate division of the Supreme Court of Ontario, and the Court of the first instance is entitled the High Court Division of the Supreme Court of Ontario. The changes in these designations gave rise to the question whether there existed in Ontario a court of appeal, for instance, having jurisdiction with regard to reserved cases and all the different matters which, under the existing Dominion statutes, are placed within the jurisdiction of the Court of Appeal. The purpose of this legislation is merely to provide throughout all our statutes, wherever provision is made attributing jurisdiction to the Court of Appeal of Ontario, that the jurisdiction shall be exercised by the Appellate Division of the Supreme Court of Ontario, the new designation of the court, and, wherever jurisdiction is attributed to the High Court of Justice for Ontario or a judge of that court, that jurisdiction shall belong to the High Court Division of the Supreme Court of Ontario, or a judge of that court. The matter has been pressed upon me by the

Government of Ontario, because it happens that there are actually pending cases requiring to be dealt with, more particularly in the Court of Appeal, now the Appellate Division of the Supreme Court, and it has been suggested that there was some doubt as to the jurisdiction of the court under its new designation.

Mr. GERMAN: Does this Bill propose to enlarge in any way the jurisdiction of the Court of Appeal, and, if so, in what manner?

Mr. DOHERTY: The Bill does not in the slightest degree enlarge the jurisdiction. It simply substitutes for the words 'Court of Appeal for Ontario' the words 'Appellate Division of the Supreme Court of Ontario,' and for the words 'High Court of Justice for Ontario' the words 'the High Court Division of the Supreme Court of Ontario,' so that in our Acts the courts of Ontario shall be designated by the names by which they are designated under the Ontario Law Reform Act.

Mr. GERMAN: It merely changes the name?

Mr. DOHERTY: That is all.

Motion agreed to, and Bill read the first time.

THE RULES OF THE HOUSE.

On the motion of Mr. White for Committee of Supply:

Hon. H. R. EMMERSON (Westmorland): Mr. Speaker, there is a matter which I wish to bring up before you leave the Chair, and that is the rules which should govern procedure in this House. I invited your attention to it the other day, and you will recall that it was ruled to be neither a question of privilege nor one of urgent or definite public importance. I bowed to your ruling, and I now desire to invite your attention, and the attention of hon. members of this House, to the subject, to which I attach a great deal of importance. It is one that involves the procedure of Parliament, and, in a measure, the privileges of members of Parliament. We are all interested, I am sure, in the maintenance of constitutional government in Canada; and, under-