

stitution, he thought it would have been better to take the opinion of the different Provinces on the matter, and if this had been done, probably a different result would have been arrived at from that now attained. For his part he thought this Senate itself should be the highest Court of Appeal for the people of the Dominion, just as the English House of Lords was the highest tribunal in the British Empire. He saw nothing in our constitution which would prevent the Government from naming seven or eight members of this Senate as a Judicial Committee which might be vested with appellate jurisdiction. His greatest objection to the bill was that it would institute another jurisdiction when we already had too many degrees of jurisdiction. He quoted from Jeremy Bentham, who stated that there ought not to be in any country more than two degrees of jurisdiction. In the Province of Quebec they already had three degrees of jurisdiction, while this proposed Supreme Court would make a fourth, and if, as many desired, the right of appeal to the Privy Council was retained, there would be five degrees of jurisdiction for that Province. He also argued that there should be some connection between the legislative and judicial powers, in the manner he had just suggested, in appointing a Judicial Committee from the Senate. The intention of the framers of the Confederation Act seemed to have been that a Supreme Court of Appeal should be created only when the assimilation of the laws of the various Provinces was completed—a process which was yet far from being realized. The constitutional difficulty was also one which seemed to him not easy to get over. He considered that by the 14th subsection of the 92nd clause of the British North America Act, the whole administration of justice, without any reserve—except that provided in clause 101, was put into the hands of the Local Legislatures of the Provinces. This bill proposed to give judges, chosen from all parts of the Dominion, power to decide civil cases, which, under the constitution, belonged exclusively to the jurisdiction of the Provincial Courts. He did not see how this court would afford perfect

security to parties claiming the protection of the laws of their own Province. How could they, in the Province of Quebec, for example, have a stronger assurance of obtaining justice in a court of six judges, of which only two were from that Province, than in their own Court of Appeals composed of five or six judges thoroughly versed in all the laws and jurisprudence which prevailed in that Province. He maintained that it was clearly beyond the power of this Dominion Legislature to abolish the right of appeal to the Privy Council, a right which at present was guaranteed to each Canadian under the laws of the several provinces. It had been decided in England that every British subject had the right of appeal to the Privy Council. He considered that the bill, in several particulars, was unconstitutional, and that the Ministry should not press its acceptance upon the Senate at this late hour of the session. It would encroach upon the jurisdiction and powers of the judiciary of the several provinces. Some of its provisions had not evidently received a sufficiently careful attention from its framers. He concluded by announcing his opposition to the bill, although some of its clauses were not objectionable. Still he would oppose the second reading of the bill, since Government had promised an ample opportunity for its discussion in Committee.

HON. MR. ALLAN agreed that the bill ought to receive the most careful consideration by this House. The establishment of a Supreme Court was a necessity that must come sooner or later, though it might be a matter of opinion whether that time had already arrived. The bill had been frequently brought up in previous sessions of Parliament and by the late Government, but somehow or other it never seemed to have made much progress, a fact which might perhaps be attributed to a general feeling that the time for the establishment of a Supreme Court had not yet arrived. He would not now pronounce for or against the bill, and wished to hold himself perfectly free to deal with it as he heard its provisions explained in Committee. He thought it was beyond the power of this Legislature to abolish the right of