

Mr. McCARTHY. The remarks that have just fallen from the hon. member for Cardwell have been heard before in this House, and I think we all agree in the sense and substance of these remarks. The Privy Council adopted the rule to which the hon. gentleman referred, not that all the Judges should agree, but that the opinion formed by the majority of the Court should be delivered by one Judge, so that the public would not be distracted by the conflicting opinions delivered by Judges who may be all equally eminent. However, I think it is premature to discuss this question now. We have a Bill introduced by the hon. member for Jacques Cartier (Mr. Girouard) which certainly is deserving of great consideration, and which, perhaps, meets the difficulty that is found in the Province of Quebec in regard to this Court, better than anything suggested elsewhere before. It is certainly an amendment that will deserve the consideration of this House when the time comes to adopt that Bill. What I have to say at present—and I shall ask the hon. Minister of Justice whether it is not the better course—that this debate be not adjourned. I think the majority of this House have no intention to repeal the Act constituting the Supreme Court. Although I quite agree that the complaints made against the Court should be heard here, still we have had those complaints already very recently before us, and the Court having, perhaps, acted on what has already been said here, there has been more celerity than hitherto in the judgments. The case referred to by the hon. Minister of Public Works is a case of much importance, involving a very large amount. The case, therefore, offered, perhaps, some excuse for the delay that has taken place in the delivery of that judgment. In the other cases judgment was to be delivered to-day, although they were only argued at the last sitting of the Court. After the discussion which has taken place, and hearing of the Bill of the important character proposed by the hon. member for Jacques Cartier, I submit, whether it would not be much better to at once discharge this order, and discuss, this Session, the amendment suggested in the Bill to which I have referred, with the view to seeing whether the Court could not be made more satisfactory to Quebec. I see that the reason that Province is dissatisfied is that the judgments of these two Judges, who come from their own Bar, are apt to be overruled by the majority of the Court. I certainly agree with the hon. member for West Durham, that there is no ground for supposing that all the learned Judges do not discharge their duty to the best of their ability, in deciding every case that comes before them. I think it would be better, under the circumstances, that this order should now be discharged.

Mr. BLAKE. I rise to second the view of the hon. member for North Simcoe (Mr. McCarthy). I think that, inasmuch as the Government, last Session, announced itself in favor of the maintenance of the Supreme Court, and declared as the hon. Minister of Public Works has declared more than once, that they were about to introduce the following Session a remodelling measure, thereby declaring the existence of the Court to be a necessity, and, inasmuch as the hon. Minister of Justice has declared that the Court is a necessity, the Government is putting that Court in a position in which it ought not to be put, by addressing supplicatory remarks to the hon. member for Montmagny to be pleased to suspend execution by consenting to an adjournment of the debate. Let us decide this afternoon whether we are prepared to abolish the Supreme Court or not, and if we decide that we are not prepared to abolish it, let us proceed to consider whether it can be amended.

Mr. LANDRY. Mr. Speaker, I understand that you hold a fresh motion, one to adjourn the debate. I would have gladly acquiesced in the wish of my hon. friends to suspend the debate for a few days; but, as a motion to adjourn the debate is brought forward, I understand that the motion asking for

Mr. WHITE (Cardwell).

the abolition of the Supreme Court loses its place in the Orders of the Day, and that it must necessarily come after the Bill of my hon. friend the member for Jacques Cartier. Under the circumstances, I agree entirely with the views expressed by the hon. member for North Simcoe (Mr. McCarthy) and the hon. leader of the Opposition, and I think that the question should be disposed of at once. For these reasons do I oppose the adjournment of the debate, and I hope that the House will at once express an opinion on the measure. I do not think I was quite understood by the hon. leader of the Opposition, when he pretended that the Province of Quebec objected to the Supreme Court merely because the judgments rendered by that Court were rendered by a single judge. What I intended saying was this: As the Supreme Court is actually constituted, the Province of Quebec is represented by two Judges, and I do not know if my opinion is correct, but at any rate I think with the Province of Quebec, and with the majority of the electors of the Province of Quebec, that those of the hon. Judges constituting the Supreme Court, who belong to other Provinces, are not as familiar with our Civil Laws as our people would like to see them be. Under these circumstances, the judgments rendered by the Judges are somewhat anomalous. For instance, a judgment rendered by the Court of Queen's Bench in Quebec, by a tribunal composed of five Judges, is submitted to the Supreme Court. In that Court there are two Judges who perfectly understand our Civil Laws, our old French legislation, and those two Judges are called upon to decide if the five Judges of the Court of Queen's Bench have been right or wrong in their judgment. Well, if that is not an anomaly, I do not know what the meaning of the word is. Now let us suppose that the two Judges of the Supreme Court do not agree; that one should hold an opinion different to that of the other. Well, then, the opinion of the five Judges of the Court of Queen's Bench will be repealed or confirmed by the opinion of a single one, for I understand that under these circumstances the opinion of the other Judges will be formed on that of the two Judges who in the Supreme Court represent the Quebec element. I think there is an anomaly there, and it was so well understood last year, that the Government could not but promise the House that it would this Session bring forward a measure that would improve the position of the Province of Quebec. And yet we do not see the Government come forward this year and bring forth any such measure. Another reason for which was asked the abolition of the Supreme Court was that it had the effect of destroying judicial centralization. That opinion was expressed in this House on the 27th March, 1875, when

Mr. Ouimet moved, seconded by Mr. Caron, That all the words after "That," to the end of the Question, be left out, and the words, "the effect of this Bill being,

1. Of virtually depriving each Province, in a very great proportion, of the administration of justice, the control of which is, by the Constitution, reserved exclusively to the Local Legislatures and Governments, at least in so far as relates to laws respecting property, and civil rights, and civil procedure in each Province:

2. Of removing that administration of justice to Judges indiscriminately taken and selected from the whole of Canada, whereas by the Federal compact the Judges of each Province, except the Province of Quebec, are to be selected from the respective Bars of those Provinces, so long as their laws remain unconsolidated; and as to the Province of Quebec, in particular, its Judges are always to be selected from among the members of the Bar of that same Province:

3. Of submitting the laws relating to property, to civil right, and to civil procedure in the Province of Quebec, the causes and the fate of citizens of that Province to Judges, who, for the most part, are strangers to their language, their manners, their usages, and their customs, to the origin of their codes and to the numerous commentators thereon, and to the practice of their courts:

4. Of substituting and attributing to the said Supreme Court the management and control of matters which are not common to the whole country, That it is inexpedient to create a Court of Appellate Jurisdiction in cases involving questions relating to property, to civil rights, and civil procedure," inserted instead thereof.

There you have another inconvenience in connection with the Supreme Court, and yet no one opposed the reason I