

chequer Court Act was passed by the House of Commons, that Bill created, after its passage, a great deal of discussion indeed. The then Governor General of Canada, the Earl of Dufferin, actually referred this Bill to the home authorities to inquire whether Her Majesty would be advised to disallow the Bill entirely—all on account of that famous clause No. 47, creating a General Court of Appeal for Canada, whose judgment should be final.

And it is that correspondence between the Governor General of Canada, Earl Dufferin, and the Earl of Carnarvon, who was then Secretary of the Colony, and the Hon. Edward Blake, then Minister of Justice, which I have been fortunate enough to read. I should like to be permitted to give a few extracts to show how clearly it was the intention of the Government then that the judgment of the Supreme Court of Canada should be final, and that this court had been established more than anything else in order to render perfect justice to suitors in Canada, and not oblige them, at tremendous expense, to send solicitors and counsel across the water to have a case heard, and perhaps judged by men, certainly of very high ability, but not always familiar with the conditions of the country. I may say that I have added to my motion the words "when unanimous." As I go along I shall read a letter from a very distinguished lawyer of Montreal, Mr. C. S. Campbell, K.C., son of the late Sir Alexander Campbell, who was at one time leader of the Senate, and ask permission to place it on the records of the House, showing very clearly what he thinks of the matter and also of the position I have taken. I have also added the words to my motion "except in constitutional cases." I may say I put the first amendment there in order to placate the people from my own province, because the great majority of cases going to the Privy Council have been in the past year from Quebec. When the Supreme Court was first established the lawyers of the province of Quebec—the best of them—had no confidence in that court, and I know of one famous lawyer, who afterwards became a judge, Bossé, who said, when taking a brief in a very important case. "Well, I will take your case, but remember if we lose in appeal or if it has to go beyond the Court of Appeal of the province of Quebec, I shall not take it to the Supreme Court of Canada. I shall take it to the Privy Council. Under these conditions I am willing to accept the brief but not otherwise." This

court, as constituted, has not given absolute satisfaction, especially in the earlier years. Even the hon. Speaker of this House, who is giving me such an attentive ear, proposed once in the Commons that the court should be abolished entirely. At the same session of Parliament, some time afterwards, Mr. Girouard, then member for Jacques Cartier, and afterwards a judge of the Supreme Court, presented a Bill in the Commons by which all cases which were of an absolutely provincial character, between two people of the same province, should get a final decision in the province, according to the laws of that province. But of course if it were a case between a man in one province and another suitor in another province, then it might go to the Supreme Court, or if it were a case between one province and another province, or between one province and the central Government it might go to the Supreme Court; but when the suitors were in the one province, the laws of that province should govern, and the judgment of the Court of Appeal of that province should be final. Now hon. gentlemen may say, and perhaps they are perfectly right in saying, "Why should a land surveyor approach a question of this sort?" I believe in this House we are all on an equal footing.

If we have been found worthy of seats in this House, we have been found worthy of discussing the various questions that come before us; but there are many reasons why lawyers should not like to discuss these questions. First, there is the point that the vast majority of lawyers have never had any case before the Judicial Committee of the Privy Council. They have never been asked to go across the water, and consequently they do not like to speak on this matter for fear perhaps of being told, "Well, what do you know about it? You have never pleaded before the Committee of the Privy Council," and they do not like to expose themselves to that argument. Then there are others who have not been fortunate before the Privy Council. They have lost their cases, and they say if we speak about restricting appeals people will think it is on account of spite or resentment, because we have not been well treated. There are others who have been there very often, and as to such lawyers who have made good money out of it, people may say, "Of course you are in favour of keeping up the system; it is a good system, it brings you in money." But I have read only one letter with regard to

Hon. Mr. CASGRAIN.