

efficient. The interpretation which the Minister gives would not so make it, and would be a practical denial of the jurisdiction.

Sir JOHN THOMPSON. I agree that we must give it the broadest possible interpretation to make it thoroughly effective, but it is not a question of interpretation, it is a question of the authority of Parliament.

Mr. MILLS (Bothwell). I am referring to the power given to this Parliament to deal with the subject of navigation and shipping. This same Act provides that those courts shall be established by the Provincial Legislatures.

Mr. DAVIES (P.E.I.) The reason I press upon the hon. gentleman the desirability of considering whether it would not be better to postpone the Bill is this: The step we are taking of constituting Courts of Admiralty, while open to grave doubts as to its propriety, is irrelevant. If we left the matter over for a year, the Supreme Courts of the various provinces having, in the meantime, all necessary jurisdiction under the Imperial Act, at the end of that time we would be in a position to consider whether they constituted efficient tribunals or not. However, I shall not press the point any further, as the hon. gentleman has apparently made up his mind to go on with the Bill, although I have a very strong opinion upon it.

On section 4,

Mr. DAVIES (P.E.I.) Could it be open to argument that this section limits the jurisdiction of the court? The Imperial Act vests all the powers of the Admiralty Court of Great Britain in the court constituted by us under this statute, and it is possible that we may be limiting that jurisdiction by declaring that the jurisdiction "shall be exercised throughout Canada, and the waters thereof, whether tidal or non-tidal." The Imperial Act vests in the Admiralty Court jurisdiction "over the like places, persons, matters, and things, as the admiralty jurisdiction of the High Court in England, whether existing by virtue of any statute or otherwise."

Sir JOHN THOMPSON. Let that clause stand.

On section 5,

Mr. MILLS (Bothwell). I would suggest, seeing that there are no divisions existing at the present time, and none immediately contemplated, that this ought to be a legislative Act.

Sir JOHN THOMPSON. I hardly think it is of so much importance. For example, we want to deal almost immediately with the Province of Ontario. We have there one judge of maritime jurisdiction, which extends all over the province; but we have a number of surrogates, and I think we must almost immediately define the district of each of these. We propose to define it so as not to interfere with the present emoluments of the judge. It is only for that purpose that we propose to exercise these powers now. The others will remain as they are.

On section 6,

Mr. EDGAR. There is a very decided change made here in the tenure of office of the maritime judge of Ontario. Under this Act he becomes a local judge of admiralty; and while he is now and, I think, ought to be a judge holding office during

good behaviour, and removable only on an address of the Senate and the House of Commons, this clause puts him in the position of an officer holding his office during pleasure. That was the tenure of office of the surrogate judges, I admit, but I do not think it ought to be the tenure of office of the maritime judge of Ontario. I leave my hon. friend from the Maritime Provinces to say how this affects the vice-admiralty judges in his province.

Sir JOHN THOMPSON. The tenure of office is such in the Lower Provinces, and in that respect we simply want to keep things as they are. I do not think the objection is a very practical one. The amount of business done in the Maritime Court of Ontario is not very large, and I think it would be very inconvenient to have a different tenure of office in that province.

Mr. MILLS (Bothwell). Why should it not be during good behaviour, as in the case of the other judges?

Sir JOHN THOMPSON. Under the Imperial Act the chief justices in the Lower Provinces are judges of admiralty during pleasure, and I do not see why we should give up our right.

Mr. MILLS (Bothwell). That is hardly consistent with the view that has been held as to the independence of the judges.

Mr. DAVIES (P.E.I.) I think it hardly fair to say that the vice-admiralty judges of the Maritime Provinces hold office during pleasure. It is true, the chief justice of the Supreme Court is, *ex officio*, the judge of the Admiralty Court until the proper authority constitutes an admiralty judge. That can hardly be holding office during pleasure within the meaning of these words as they are ordinarily understood. I think all superior judges should be placed on the same level. I doubt the propriety of appointing a responsible judge, with the extensive and important functions of these judges, only during pleasure, to be subject to removal as the Government changes—the appointment to be in any sense or way a political appointment, and be absolutely removed from the possibility of bias arising from the fear that if his judgment be not satisfactory to the powers that be, or his place required for political purposes, he may be removed.

Mr. SKINNER. A large number of cases in the Admiralty Court are those in which the Government is directly or indirectly concerned, especially fishing cases. Therefore if the judge held office during the pleasure of the Government, his decision might possibly be more or less influenced by that fact, and his conduct be governed by a different rule from that which would govern it if he did not hold office on that tenure.

Mr. DAVIES (P.E.I.) I desire to call attention to the next line, which empowers the judge of the Admiralty Court to receive such fees as may be from time to time prescribed by general rules or orders. I think it is objectionable that the judge should receive fees. The hon. member for Victoria complained of the expense of Admiralty Courts, and I suppose our desire is to simplify the practice and make it as little expensive as possible, but I doubt whether allowing the judge to be paid by fees will have this effect. That power is rather