

GOVERNMENT RAILWAYS SMALL CLAIMS ACT AMENDMENT BILL.

AMENDMENT CONCURRED IN.

The Order of the Day being called:

Consideration of the message from the House of Commons disagreeing to the amendment made by the Senate to Bill 91, "An Act to amend the Government Railways Small Claims Act."

Hon. Mr. LOUGHEED—I move that the Senate does not insist upon its amendment. This Bill was discussed at some length on the second reading when it was before the House in its committee stage. As hon. gentlemen will doubtless remember, the amendment made at that stage consisted of a clause making the Bill retroactive. Practically the same amendment was moved in the Commons and for the reason stated when the amendment was made here, it has apparently been refused by the Commons. I need not repeat the argument or statement then made.

Hon. Mr. MURPHY—Like the leader of the Government, I need not repeat the arguments which I made in support of the amendment, which was concurred in by the large majority of the House. I need only say that the amendment was, to my mind, reasonable, and designed to redress a grievance and an injustice under which several claimants in my province laboured. The amendment is not strictly the same as the amendment moved in the House of Commons. The amendment in the House of Commons took in not only the Prince Edward Island railway, which was the intention of the Act in the first place, but also took in the Transcontinental and the ferries. The Senate amendment, moved by myself and seconded by the hon. member for Prince, only declared what was the original intention of the Act.

Hon. Mr. LOUGHEED—Yes; I overlooked that.

Hon. Mr. MURPHY—And incorporated the fact in the statute making the law, which had been overruled by the Interpretation Act bearing on the Intercolonial railway. Now, while I claim it would be only just and right that that amendment should have been accepted by the Commons, I am not disposed to insist and throw the Bill out altogether, as I feel would be the action of the large majority of this House if it were insisted on; and as half a loaf is better than no bread, I feel that we are compelled—although compelled

by our own good will—to concur in what the Commons has done.

Hon. Mr. POWER—I do not propose to do more than make one remark. The hon. gentleman who has just sat down said that the amendment was reasonable. When it is stated that the great majority of the Senate concurred in the amendment, there is no doubt that it was a reasonable one.

Hon. Mr. MURPHY—Hear, hear.

Hon. Mr. DANIEL—Hear, hear.

The motion was agreed to.

JUDGMENTS OF THE SUPREME COURT.

On the Order of the Day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Casgrain, seconded by the Hon. Mr. Edwards:

That, in the opinion of the Senate, a judgment of the Supreme Court of the Dominion of Canada, when unanimous, should be final except in constitutional cases.—Hon. Mr. Edwards.

Hon. Mr. CASGRAIN—The Hon. Mr. Edwards has moved the adjournment of this debate from day to day at my request, knowing that it was my privilege, as the proposer, to conclude this debate. If any other members of this House would like to speak now, I shall give way; if not, I should like to conclude this debate. I have put it to one side on many occasions.

Hon. Mr. DAVID—Does the hon. gentleman intend to move its adoption?

Hon. Mr. CASGRAIN—Well, I should like to get through with my remarks, and then see.

Hon. Mr. LOUGHEED—He will see whether he will or not.

Hon. Mr. CASGRAIN—I crave the indulgence of this House because I have devoted a great number of hours, since I last spoke on this subject, to studying and reading up this case. I have been fortunate enough also, to have had put in my hands documents which I shall place before this hon. House. I am informed by very high authority indeed that perhaps another copy of these documents is not to be found in this country. Therefore, it may be of interest to this House to listen to the few remarks I may make as to the wisdom of restricting, if not abolishing entirely, further appeals to the Judicial Committee of the Privy Council. It may not be generally known to all the members of this House that when, in 1875, the Supreme and Ex-