

THE SUPREME COURT BILL.

HON. MR. LETELLIER moved the second reading of the bill to establish a Supreme Court. He said it had been carefully considered by the best minds and highest legal authorities in the House of Commons. It was founded, moreover, upon the Confederation Act, the framers of which contemplated the necessity of this court at a future day, for the final decision of civil and criminal cases of appeal. Sir John Macdonald had brought a similar measure before Parliament on two occasions, with a view to carrying out the understanding at Confederation. When this court was first proposed there were fewer difficulties showing its necessity than at present—fewer conflicts of jurisdiction; the requirements of the country had increased with its extension and growth, and to-day its standing was such as to demand imperatively a national court of ultimate jurisdiction. It was in view of these circumstances that the present Government had determined to bring in a bill to establish such a tribunal. The court would be composed of six members, to be selected from the bench of the Superior Courts of the different Provinces, or parties eligible for such position at the bar. The Chief Justice would receive a salary of \$8,000, and the other judges \$7,000 each. Two were to be selected from Lower Canada. He admitted this was an exceptional principle, but the peculiar circumstances of Quebec justified it. Its civil rights being regulated by the French law, its people would feel more confidence in a court thus constituted, where its two representatives sit beside four gentlemen learned more particularly in the law of England and Canada. They had found with Her Majesty's Privy Council much learning, ability, and a strong desire to determine justly the cases from Lower Canada and the rest of this country, but though these hon. judges were well versed in English statutory law and in French law, they exercised a certain discrimination in the application of the French law in cases from Lower Canada, because, since the adoption of the Code Napoleon, many of the laws of France differed from the *Coutume de*

Paris observed in Quebec. The English judges learned in the present and recent French law, but not in the *Coutume*, had not been able to make the necessary distinction, or apply the *Coutume*, in many instances desirable in cases from Lower Canada. In many instances errors had resulted. The two Quebec judges would be associated with gentlemen versed in English and Canadian law, and better acquainted with the manner of its interpretation than members of the Privy Council could be. Without derogating from this respected tribunal, the Canadian Court would offer more security to us, afford greater facilities for the settlement of appeals, and prove far less expensive to suitors. As to the question of constitutionality, he believed we had ample power to establish this Supreme Court, if the British North America Act meant anything. Any doubt on this point must have been removed by the opinions expressed by members of this and the other House, of the highest standing; and he must add, it was matter for congratulation that no party feeling had marred the discussion and action in regard to this important measure. (Hear, hear.) Even those opposed to the Government had lent their best efforts to make this Act worthy of the country, a benefit to the people, and to establish a tribunal that would do honour to the Dominion. He had remarked, in French, how difficult it would be for British Canadians to put confidence in the decisions of the Court des Cessations, of Paris, learned and able though its judges were, and because of their not being thoroughly versed in the laws of this country. The French Canadians were in a similar position with regard to the trial of their cases by the English Privy Council. Thus it was that we could have felt safer with a court composed of Canadian judges, or lawyers, some of them from Lower Canada, than with the tribunal 3,000 miles away. The bill would be discussed in Committee, and, he hoped, would be fairly considered with a view to its passage in the best possible form. He hoped all would treat it with consideration, and that its objects would be achieved in a manner advantageous to the people of Canada.