

Acts this is impossible. We can only vest the admiralty jurisdiction in a court having unlimited civil jurisdiction. The County Courts are not such courts, and, therefore, it is not possible to give admiralty jurisdiction to them. So we are thrown back on two propositions: The one which I submitted, that we should leave it where it should be left, and was left by the Imperial Parliament if we did not legislate, namely, in the Supreme Court of the several provinces; and the other is, to constitute the Court of Exchequer and Admiralty Court. The Exchequer Court is a court of unlimited civil jurisdiction within the interpretation clause mentioned in the Imperial Act. By that clause, unlimited civil jurisdiction means jurisdiction unlimited as to the amount to be recovered. The Exchequer Court comes within that definition. I repeat there are only two possible schemes for this House to adopt: one is to vest the jurisdiction in the Supreme Courts of each province, and the other is to create the Exchequer Court the Court of Admiralty. There are grave and serious objections to the latter course, and the Minister of Justice has endeavoured to meet these objections, but the hon. gentleman has not convinced me, particularly with respect to the right of appeal, and in that the hon. member for Cape Breton concurs with me. The more you think of it, the more objectionable that feature will appear. Putting on one side the objection as to whether it is proper that the judgment of the chief justice should be subject to appeal to the exchequer judge—suppose a case involving \$2,000 or \$3,000 is tried in Halifax, is decided by the chief justice, and an appeal is taken to the exchequer judge here, counsel will have to come all the way from Nova Scotia to argue the case, the Exchequer Court will take time to consider it, and reverse or confirm the decision. An appeal lies to the Supreme Court, and the same course will be pursued, and the counsel will have to come here. The Court of Review is not a court that recommends itself in practice to the better judgment of litigants or counsel. There should be an alternative appeal, and there should be a right of appeal, either to the Exchequer Court judge or direct to the Supreme Court. That, of course, might get us out of the difficulty. I look with some degree of alarm at the possibility of establishing a large number of local Admiralty Courts within the Dominion. Such a scheme would involve a very large outlay. It must be remembered that the judge selected to discharge the important functions of an admiralty judge must be a superior class of man. He will have to deal with cases involving amounts varying from \$1,000 to \$50,000, and in case of a collision between large steam vessels, the sum might be \$100,000, and therefore, the abstruse nature of the subject, the important character of the cases and the immense value at stake, call for the appointment of a very high officer. What I contend is that we now have that class of officers on the bench in every province, and if instead of legislating so as to create a lot of separate and independent courts in this Dominion, we begin in the direction in which the Imperial Parliament has been legislating, that of making one universal Supreme Court with several branches, we shall be proceeding in the right direction. With all deference to the arguments advanced by the hon. gentlemen opposite, I am still of the opinion that the judges of the Supreme

Courts in admiralty cases, with jurisdiction vested in all the judges and an appeal to the Supreme Court of the province, would be a more effective and cheaper mode than that proposed. In view of the importance of the subject, I suggest to the Minister of Justice whether he would be disposed to press this subject through the House this session, but leave it as a matter for more mature consideration on the part of the legal fraternity throughout the Dominion.

Mr. McDONALD (Victoria). I do not see where the objection in regard to the appointment of County Court judges applies. I think this Parliament could name any person, whether a judge or not.

Mr. DAVIES (P.E.I.). The Imperial Act prohibits you from doing so.

Mr. McDONALD (Victoria). No; whoever is appointed will be a judge of the Exchequer Court. If the judge of the County Court were appointed, he would become a local judge of the Admiralty Court. I can quite understand the reason the hon. member for Queen's (Mr. Davies) desires to have only one court in each province. He resides at Charlottetown, and no doubt would like to have all the admiralty business transacted there. It has been a great objection in regard to the Admiralty Court in Nova Scotia, that all the court business was transacted at Halifax, and a great many of the outside lawyers obtained very little work there. It was so expensive to get even very small claims through that very many were abandoned. Two years ago we had a seaman's claim for \$50, and it cost \$100 in Halifax to get a decree to sell the vessel, the expenses being divided between the master of the court, the registrar, and a very small fee for the solicitors. The vessel was afterwards sold for \$120. I hope some proposition will be made for the reduction of the fees, and I do not see why the clerks of the court should not have power to make out the necessary papers, especially in regard to claims for small amounts.

Sir JOHN THOMPSON. The hon. gentleman is quite right in supposing that the provisions of the Bill can be applied to smaller divisions than the present admiralty divisions; but such provisions could not be applied without a Bill of this character. As regards the proposal to postpone consideration of this matter, I look upon this Bill as not only important but most urgent. The Imperial Act came into force on July 1st; it provides that certain steps shall be taken in regard to jurisdiction, and it would be very objectionable to allow the jurisdiction to be vested elsewhere and then take it away.

Mr. DAVIES (P.E.I.) The hon. gentleman's arguments no doubt will be quite sufficient to induce him to proceed with the Bill. I understand by the Imperial Act that if we do not establish an Admiralty Court for Canada, the admiralty jurisdiction will be vested in the courts having admiralty jurisdiction, which will be in the Supreme Courts of each province, so that in case we do not pass the Bill it would result that the Supreme Court of the different provinces would be Courts of Admiralty.

Sir JOHN THOMPSON. That is what I meant, that the jurisdiction would pass to the provincial courts, and it would then be very inconvenient for