

CANADA

House of Commons Debates

OFFICIAL REPORT

Wednesday, May 5, 1920.

The House met at Three o'clock.

EXCHEQUER COURT ACT AMENDMENT.

Rt. Hon. C. J. DOHERTY (Minister of Justice) moved for leave to introduce Bill No. 108, to amend the Exchequer Court Act.

Hon. Mr. MACKENZIE KING: Will the right hon. gentleman please explain?

Mr. DOHERTY: The first purpose of the Bill is to make provision for the constitution of the Exchequer Court so as to bring it into correspondence with a provision that was passed the session before last as an amendment to the Judges Act. The Exchequer Court as constituted under the Exchequer Court Act is composed of the judge of the Exchequer Court and an assistant judge. When the amendment to the Judges Act was passed in the first session of 1919, there was in contemplation a modification of the constitution of the court, and in making provision for salaries, provisions were made to correspond with that contemplated modification. Salaries were provided for the president of the court and for two judges, whereas the Act constituting the court created only a judge of the court and an assistant judge. The purpose of the present Bill is to meet, I might say half way, that provision in the Judges Act, which in itself will have to be modified by substituting in the Exchequer Court Act for the provision that the court shall consist of a judge and an assistant judge, a provision that the court shall consist of a president of the court and one puisne judge. The provision in the Salaries Act will have to be made to correspond to that, the number of judges being cut down from two to one. Then, there is a modification of the existing provision with regard to the possible provision of a deputy judge in cases where one may be required.

The next provision is in regard to the office of registrar.

Mr. HOCKEN: Louder.

Mr. BUREAU: The Orange Sentinel cannot hear.

Mr. DOHERTY: I certainly am most anxious that all vigilant "sentinels" shall be aware of what I am doing. The second purpose of the Bill is to make provision enabling the registrar of the court, with the authority of the president or the judge, to deal with certain practice matters, and in that connection provision is made for the appointment and the salary of the registrar.

Motion agreed to, and Bill read a first time.

SUPREME COURT ACT AMENDMENT.

Rt. Hon. C. J. DOHERTY (Minister of Justice) moved for leave to introduce Bill No. 109, to amend the Supreme Court Act.

Hon. Mr. MACKENZIE KING: Explain.

Mr. DOHERTY: The purpose of the proposed change is to bring about a simplification and uniformity in the jurisdiction of the Supreme Court and also to prevent appeals being brought to it in matters of trifling importance on the plea that title to land or future rights are involved. To accomplish the purposes intended, it is proposed that appeals as of right to the Supreme Court should be restricted to cases in which the amount or value of the matter in controversy in the appeal, whatever its nature, exceeds the sum of \$2,000 exclusive of costs and that in all other cases an appeal shall lie ordinarily only by special leave of the highest court of last resort in the province. Provision is made for appeals per saltum, that is, for appeals from courts other than the final court of last resort in the province. But such appeals are subject to leave by the court of final resort in the province concerned.

Provision is also made for appeals that arise under section 232 of the Railway Act, where the Supreme Court or High Court has concurrent jurisdiction with the Court of Appeal, and there is no appeal from the former to the latter, and, therefore, under