

a good reason why we should ourselves obtain, if we can, power to create these courts, and do away with the abuses, for I do not think the word is too strong, such as those which have subsisted. There was, I believe, in many cases on the seaboard, a denial of justice and the practice was so intricate and slow, and the cost so large, that the court was almost as much of an abuse—though not an abuse of the same character—as in the old days when the judge, being paid out of the fees of his office, was sometimes regarded as a public robber. For that reason I am heartily in favour of the remedy proposed by the hon. gentleman and would reinforce his efforts to get the matter under our own control.

Sir JOHN A. MACDONALD. I may state that from information obtained in the Department of Justice, I find that correspondence has been going on on this question, and that an answer has been requested again and again, but they have not been able to get one up to this time. The matter is a very important one, and I agree with the hon. member for West Durham that without the regulation of our own courts, the fixing of our own process, and the regulation of our own proceedings and tariff of fees, there will be no satisfaction in connection with these courts. The country will not be satisfied with anything but courts having jurisdiction in maritime cases, Vice-Admiralty cases, in all matters brought before them—all these matters being fixed by our own legislation. The matter has been pressed and will continue to be pressed on Her Majesty's Government.

Mr. MILLS. I do not know of course what line the hon. gentleman has taken in discussing the question with the Imperial authorities, but it has always seemed to me very clear that we have authority to create these courts under the British North America Act. We have control over the subject of navigation, and we have also power to establish such courts as may be required for the better administration of justice. Maritime laws are part of the laws of the country, and what is really required is that the right which has already been conferred on us by the Imperial Statute should be recognized by the Imperial authority, and that the present court should be withdrawn. It is not a power to create a court which we do not possess, that we should demand, but we should insist on the exercise of a power given to us and that the Imperial Government itself should not persist in the maintenance of an authority which Parliament, under this Imperial Act of 1867, has withdrawn from it.

Sir JOHN A. MACDONALD. I am not sure that Her Majesty's Government would agree with the conclusions of the hon. gentleman, but the question might be decided by our passing an Act here, and making it only operative on proclamation. Then it would be submitted to Her Majesty's Government and through them to the legal authorities there. Then the question would arise whether we could have any jurisdiction beyond the three mile limit, which would be a question of some difficulty. If we establish those courts we would have right within the three mile limit and perhaps more, but that might be dubious. However, if we passed a law of that kind, and submitted it to Her Majesty's Government, they might pass an Empowering Act, enabling our courts to have jurisdiction beyond the limit, as if they were a branch of the Imperial Admiralty.

Mr. WELDON. The Admiralty gets its jurisdiction by virtue of the vessel being within the limits, and of the proceeding being taken *in rem*. No matter whether the collision takes place in the high seas or not, they get jurisdiction in that way.

Sir JOHN A. MACDONALD. Not if the cause of action were beyond.

Mr. WELDON. Yes, we can bring our action in the ordinary courts of the country. Practically, so far as our

courts are concerned, the Judges, I understand, are within the appointment of the Dominion Government. The Vice-Admiralty Act was passed in 1863, and the High Court of Admiralty was created in 1861, and my impression is that they are acting under the previous Commission. It appears to me that if their jurisdiction were extended as I propose, there would be a great improvement in the course of justice.

Mr. MILLS. I would call the hon. Minister's attention to the fact that among the things which the British North America Act places under the jurisdiction of the Dominion are militia, military service, and naval defence. Let us suppose that the hon. gentlemen should commission a ship for naval defence, and gave the officer in command certain instructions; and suppose the officer took the ship beyond the maritime league; could the hon. gentleman argue that his instructions had ceased to be operative? Suppose the hon. gentlemen were sending a ship to explore Hudson Bay, would that ship while on the high seas be beyond the jurisdiction of Canada? It appears to me that when this provision was inserted in the British North America Act, it was intended that that ancient rule in regard to the marine league should not be held to operate in the case of Canada, and that we have conferred upon us the power to enforce our rules and regulations beyond the limits of the colony.

Sir JOHN A. MACDONALD. I do not know that any good purpose can be served by entering into a discussion of the constitutional question. The hon. gentleman asks if we had a ship of war, whether or not our jurisdiction would extend beyond the marine league. I think there must be considerable doubt whether it could or not. It was found necessary to pass an Act called the Colonial Defence Act to enable certain Australian Colonies sending out ships of war to use that power when they sailed beyond their own jurisdiction. There was an Imperial Act passed to put that beyond doubt.

Mr. BLAKE. I think my hon. friend has done in this case what he has not always done, carried his views as to the marine league into actual practice, because when he did get a hostile vessel he got one which it was not safe to send beyond our jurisdiction.

Mr. WELDON. The Admiralty Courts formerly only exercised jurisdiction on the high seas; but now their jurisdiction extends to harbours and rivers. I myself have taken cases from rivers into the Vice-Admiralty Courts, and it was held that they had jurisdiction.

Mr. KAULBACH. I observe that the Vice-Admiralty Court in Quebec receives an amount of money much greater than the courts in the other Provinces—in Nova Scotia, for instance, where the court receives comparatively nothing. In Quebec there are a Judge, a Registrar and a Marshall, all receiving salaries, whilst in Nova Scotia the Registrar receives nothing except the fees he manages to collect, which are quite insufficient for the services he renders.

POLICE.

26. Dominion Police..... \$15,000 00

Sir RICHARD CARTWRIGHT. I may take this opportunity of asking the hon. First Minister if he has any explanations to give as to the mode in which he disposed of the sum of \$3,000 which was in the Public Accounts of last year. I have not been able, though I have tried two or three times, to get him before the Committee on Public Accounts, and I would like to get the information now.

Sir JOHN A. MACDONALD. I would rather give it before the Public Accounts Committee.

It being Six o'clock, the Speaker left the Chair.