

measure. The hon. member for Cumberland did not attribute any neglect to the Minister of Justice. The industry and ability of that hon. gentleman in private and professional life were well known, and he had no doubt those qualities would be carried into his public duties. But this treatment of an unlettered man was not just the thing.

Hon. Mr. BLAKE—Is it owing to Mr. Starr's use of the telegraph that my friend calls him an "unlettered" man?

Sir JOHN A. MACDONALD—Apart from that, Mr. Starr was a layman and unaccustomed to official procedure. He (Sir John A. Macdonald) could quite understand from what had dropped from the Minister of Justice the reason that that hon. gentleman had kept this matter in suspense. He (Sir John A. Macdonald) thought that as the hon. gentleman had restricted the right of petitioners with regard to tribunals before which their cases should be tried, he might as well go still further and abolish the official arbitrators altogether. He thought that was a very clumsy mode of disposing of matters arising under the operation of the Public Works Act. He admitted now, as he had admitted before, that he thought that the Crown was always at a disadvantage in the trying before a jury claims against the Board of Works or any other public department; and he thought that such cases should be tried entirely without the intervention of a jury. In such cases the jury generally looked on the Government in the light of a large corporation, of which they were not members, and in which they had no interest, and thought that it was well always to give the verdict against the Crown. He therefore thoroughly approved of the limitation proposed by this Bill, under which the Court should judge of fact as well as of law, and if this were provided, what was the use of a reference to a Court of Arbitrators? He thought that, in this respect, they might take an example from the United States. There they had a Court of Claims, the judges of which, like those of the Supreme Court, held office during good behaviour. The Court of Claims was a High Court of Justice. The gentlemen

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who were selected to preside in it were professional men, and their decisions were looked upon as being as solemn adjudications as those of the Supreme Court itself, or very nearly so. He believed that in the United States no preliminary enquiry was necessary, but that any party could file a petition of this character against the Government of that country. As a matter of course, he brought the action at his own risk and it was adjudicated on. He (Sir John) thought also that the court of claims judged of fact as well as law. Under all the circumstances he would press upon the Government the advisability of doing away with the official arbitrators, and leaving all these matters to be tried by the Supreme Court and the Court of Exchequer.

Hon. Mr. CAMERON (Cardwell) said he agreed very much with what his hon. friend had said with regard to Courts of Arbitrators. Every person who had ever been engaged in arbitrations must be very well aware of the great amount of time they occupied and the large expense they involved; and must be ready to admit that the results of them were sometimes anything but satisfactory. He thought that the Minister of Justice should have the right of saying whether the *fiat* should be issued or not, because that hon. gentleman would not be likely to refuse it when it ought to be granted; and that these cases should stand on the same footing as others. He must confess, that with regard to this particular case which had been the subject of discussion this afternoon, he had been unable to see anything wrong or unfair in the conduct of the Minister of Justice. He could not help thinking that there were circumstances connected with the administration of new laws, under which the gentleman occupying that position should be very careful with respect to the course he took. In England, when the Attorney General had the right to refuse Petitions of Right, there had during the last three-quarters of a century been only three cases made the subject of discussion in Parliament which had not been allowed to go before the Judges. In two of those instances the Legislature maintained the view the Attorney