

titutional questions should be submitted to this Court once a year, and for that purpose a Court could be constituted much less expensive and composed of men of great ability and attainments drawn from the Appeal Courts of the various Provinces. If these Judges came together at the Capital once a year to determine our constitutional questions alone, I believe it would be more satisfactory to the country at large and save a large amount of money.

Mr. BRECKEN. I entirely agree with the remark of the hon. member for Halton (Mr. Macdougall) that it is a matter of regret that Session after Session a measure like the one proposed by my hon. friend for Montmagny should be brought into this House, because it is assailing one of the highest institutions in our country. I also agree with the remark that without a Supreme Court for the Dominion our Confederation would be incomplete. There is no doubt that many hon. members from Ontario feel that their local judiciary is quite sufficient to dispose of all questions that come before it, and I can feel the force of the objections urged by hon. members from the Province of Quebec that the judiciary in that Province, composed of men who are trained to understand the French Code, is perhaps a more reliable tribunal to decide questions arising under their system of jurisprudence than some of the Judges of the Supreme Court. But, speaking from the standpoint of the Maritime Provinces, I may say that there is no more popular institution in the Dominion of Canada than the Supreme Court. There are questions frequently arising of a Dominion or a national character, that can only be competently decided by a tribunal of that kind. I know that in the case of Prince Edward Island, when the celebrated land question came up—though we have a very able and honest and independent judiciary in that Province—had it not been for the Supreme Court, Prince Edward Island would to-day be still burdened by a system of landlordism. I merely mention this as an illustration of the benefits derived from the existence of the Supreme Court. I do not mean to say that this Court is not capable of amendment. I know that it is a source of difficulty in establishing a Supreme Appellate Court, that we have in this country two divers systems of jurisprudence. I regard this agitation as a misfortune, because, although the people, if they are not satisfied with their representatives can send them about their business. When you place distinguished and learned gentlemen on the Bench, and trust to their decision in matters affecting the highest welfare of the people, that tribunal ought to be above suspicion; and when the representative of a large and influential constituency stands on the floor of this House and impeaches, not the honor but the ability of the Judges of that Court, I think he is likely, though unintentionally, to do a great deal of harm. I, therefore, hope this Bill, which was so strenuously and honestly advocated by an hon. member who is now no more, will be withdrawn by the hon. gentleman who has taken his place.

Mr. WELDON. The hon. gentlemen who have spoken on this subject are chiefly from Ontario and Quebec. Our position in the Maritime Provinces is somewhat different. Other Provinces have their Courts of Appeal, but in the Maritime Provinces, prior to the establishment of the Supreme Court, we had no Court of Appeal, and we were obliged to go to the Imperial Privy Council. But the expenses of going there were so enormous that they practically, in a great many cases, prevented appeal. One feature of the scheme of Confederation, therefore, was that the Supreme Court was to be established for the Dominion, and its establishment has already produced beneficial results, so far as the people of those Provinces are concerned. A good deal has been said with regard to the difficulty connected with these Judges at Ottawa reversing the decisions of the Judges of the Courts of Appeal in Ontario and Quebec, contrary to the opinion of the majority of the

Mr. McCuaig.

Judges in those Provinces. If we turn to the House of Lords, the highest appellate tribunal in England, we find that they have sometimes reversed the decisions of lower Courts, contrary to the opinion of the Judges. The House of Lords was the Appellate Court from the Scottish Courts, although for a long time none of the members were acquainted with the Scottish law, and although the same objection was raised against them on that account as is now raised against the Supreme Court with regard to cases from the Province of Quebec. During the last few years great changes have taken place in the Courts in England, yet the right of appeal to the House of Lords has never been questioned. The same may be said with regard to the Privy Council. It is true, as the hon. member for Halton says, they are men of learning and ability, and a very large body. But practically, we find but four members deciding appeals from the Colonial Courts, although their knowledge of Colonial Civil Law must be much less than that of the Judges of the Supreme Court of Canada. It is very important that we should have some tribunal from which we can obtain uniform decisions on constitutional points respecting the different Provinces. We have found the Courts of Nova Scotia, New Brunswick and Ontario adopting different views on certain questions; and in that case it is essential that there should be some Court which would be a final Court of Appeal in the Dominion, whose decisions would be binding on all the Provinces. I regret that a discussion on the Supreme Court is continually coming up, because it tends to impair the usefulness of a very valuable institution. If there are defects they can be removed. But this institution, which I regard as one of the bases of Confederation, provides an opportunity for the people, particularly in the Lower Provinces, to have their appeals determined at far less expense than they could under the old system.

Mr. MILLS. We have had this measure before the House, I think, at every Session since the last general election, and in every instance it has been supported by some gentlemen on the Treasury benches. On the present occasion the Minister of Public Works has himself expressed very great dissatisfaction with the Court, and he is satisfied that in the country the people are almost universally dissatisfied with it. I think the hon. gentleman is mistaken; but I think the line taken by him is calculated to produce precisely the condition of things which he professes to deprecate. And, in my opinion, a more unfortunate course could not well be taken than the one that has been adopted by the hon. gentleman, and some other hon. gentlemen in this House, who constantly attack this Court, no matter how able the gentlemen on the Bench, no matter what industry and attention they may give to every question before them. If hon. gentlemen make it a point every Session to criticise, and to criticise in a hostile spirit, the conduct of the Court, there can be no doubt whatever that in time they will succeed in making a considerable section of the people of the country dissatisfied with its decisions. I do not quite agree with some observations made by the hon. member for Laval, and by the hon. member for Halton. It seems to me they have taken a Colonial Office view of the position of the judiciary of this country. I am not willing to admit that gentlemen occupying seats in the Supreme Courts of Canada are inferior to gentlemen who occupy seats in the Judicial Committee of the Privy Council. In my opinion, Sir, the people on this side of the Atlantic come into this world with an intellectual capacity quite equal to the intellectual capacity of gentlemen on the other side, and it seems to me the judicial training they receive, and the attention they are called upon to give to the consideration of legal questions in adjudicating upon them, serves to discipline their minds and fit them for the discharge of their duties as Judges quite as well as does the training of hon. gentlemen who sit on the Judicial Committee of