

Admiralty Courts have not that power. If the Government would call the attention of the Imperial Government to this and other important points in the Act of 1868, it might be so amended as to give our Vice-Admiralty Courts powers equal to those possessed by the High Court of Admiralty in England.

Mr. LISTER. While the hon. member for St. John has called attention to the Vice-Admiralty Courts of the Maritime Provinces, I desire to offer some observations respecting the Maritime Court of Ontario. The Statute creating that Court provided that the rules, regulations and tariff of fees should be prepared by certain officers in Ontario. A tariff of fees, &c., was prepared; but an order was afterwards issued by the late Judge Mackenzie providing that in cases of seamen's wages, where the amount claimed was under \$100, only \$10 should be allowed as fees. In all other claims, such as for collision, supplies, &c., provided for under the Statute, the usual tariff of fees is allowed for prosecuting the claim; but in the case of seamen's wages, affecting the class of people intended specially to be protected, only \$10 is allowed for fees in cases under \$100, as I have already stated. From my own experience for the last two or three years I am aware that seamen have been discharged from vessels with claims for wages, running from \$10 to \$30, and it was found impossible to engage a lawyer to undertake their collection on account of the low tariff of fees, the disbursements for any suit amounting to more than \$10. I call the attention of the Government to the fact that, while in all maritime countries sailors, who are as a rule an improvident class, are carefully looked after by the Government, the Maritime Court of Ontario is of very little benefit to them, because it very seldom happens that a sailor has \$100 in wages due him on leaving his ship. The procedure under this Act, which is at present cumbersome and costly, might be very much simplified and cheapened. In the United States they have Maritime Laws which are executed in a very simple and cheap manner; and in the interests of our seamen and others concerned, a like state of things should prevail here. I particularly call the attention of the First Minister to the fact that the Act is of no real benefit or advantage to the sailors.

Mr. BLAKE. We had a discussion on this subject two or three years ago, and I think it was the opinion of both sides of the House—it was certainly expressed very strongly on this side—that the small claims referred to should be placed on an entirely different footing from that which they at present occupy as regards procedure. They are almost identical with Division Court cases. There should be a simple summary procedure; the parties should be heard and the cases at once disposed of at trifling cost. The present procedure, which, I am told, is as simple as can be devised for cases which will bear minute investigation, might be retained for such cases, and for smaller claims a simple and inexpensive procedure might be arranged. The Act was framed so as to leave the whole business in an elastic condition. The rules and practice were made by the Judge and approved by the Governor in Council. If the Government were to call the attention of the Judge to this matter, no doubt the necessary change would be made in the disposal of simple cases.

Mr. GUILLET. In the Session of 1881 an Act was passed providing a process by which sailors are able to obtain the summary collection of their wages. They can proceed against the vessel, and wages are the first lien on the vessel and running gear. The sailors are satisfied with this measure; the Sailors' Union petitioned for it, obtained it, and are now, I say, satisfied. A sailor can go before two magistrates, or a police magistrate, demand his wages, and the magistrate has authority to proceed and levy distress on the vessel if the wages are not paid. The magistrate has, moreover, power to seize the vessel for wages.

Mr. WELDON.

Mr. LISTER. That is not proceeding under the Maritime Court Act.

Sir JOHN A. MACDONALD. We must look at the Act referred to by the hon. member for Northumberland (Mr. Guillet), which seems to provide a summary mode of procedure, where the very name of the court implies something like regularity of proceedings; though it is quite true, as the hon. member for West Durham says, that a summary process like that in Division Courts might well be provided for. I shall call the attention of the Minister of Justice to that matter so that he may communicate with the Judges of the Maritime Courts, in order to see if the necessary regulations may be made. The hon. gentleman says that the process is complicated, and that the expense is very great. Well, providing that there are magistrates in the immediate vicinity it is much more to the advantage of the sailor, who wants his money immediately, who wants the vessel to be liable, to go to a neighbouring magistrate and get a summons returnable immediately, and tried immediately, with a process of attachment or detention in some way.

Mr. LISTER. That would be all right if there was a right to detain her from the first. I do not think, however, that there is any such right.

Mr. BLAKE. One must remember that the poor sailor may be in the wrong, and that it is expedient that while there should be the utmost simplicity of practice, men trained to the law, and trained judging conflicting statements, should be, as far as possible, Judges in the case. It may be ruinous to the vessel owner to have his vessel detained, and to have it detained by two magistrates is much more dangerous than to have it detained by a Judge of the Maritime Court. I am not speaking, however, from anything which has been done with regard to magistrate's decisions, but inasmuch as there is a jurisdiction *in rem* I am only assuming that the process should be made practically effective by giving a simple and inexpensive procedure to work it out, irrespective of the Act of which the hon. gentleman speaks.

Sir JOHN A. MACDONALD. I agree with the hon. gentleman in every regard.

Mr. LISTER. In the State of Michigan there is a very simple procedure which might very readily be imitated here.

Mr. BLAKE. With reference to the remark of the hon. member for St. John, I may say that I suggested an application to the Imperial Government to modify the Act with a view to enlarge the jurisdiction of the Maritime Courts. Now I hope it is not disrespectful to say that they go slow over there. It has been many years since we endeavoured to obtain the change in the practice of these courts which has only lately been obtained. As long ago as 1877, when I was across the water, that subject was deemed ripe for action, but action has only been taken within the last few months, though the subject had been a grievance for at least seven years. The Government took another line, and I think rightly enough, when some years ago, either in the Speech from the Throne or otherwise, it was indicated that they were going to move in the direction of obtaining authority to create Maritime Courts for the seaboard as well as inshore, and if they should prosecute their endeavours in that respect it would be much better, as we could then enlarge or diminish the jurisdiction, and change the practice and procedure of the courts, according to the necessities of our own people. When I say that the practice in the Vice-Admiralty Courts, which prevailed up to the 1st of January, 1884, was the old, obsolete, antiquated practice, which had been in force, I think, for fifty years in England, and was abolished for some 20 or 30 years as being intolerable, I think I point out