

the country—but that they have, at all events, put motions on the paper contemplating the abolition of one of the most important of these institutions. I think it is to be regretted that members of Parliament should not consider the effect of action of that kind. It weakens the authority of the Court, it raises suspicion in the minds of the people, for this House to enter into discussions upon a proposition that there is something wrong, that there is something vicious in the very principle upon which that Court is founded, and that it is an unnecessary expense to the people. It is in that view the hon. member for North York, I have no doubt, has considered it, and it is upon that ground that the objections he has made have chiefly been levelled. The spirit of economy we know prevails much in times of election, and here is an expensive institution that did not exist at Confederation, and the question is asked, is it necessary? Lawyers even say it is unnecessary; lawyers in Ontario say that there is in that Province a Court of Appeal, a very high Court, composed of very able Judges, that is sufficient for the final determination of questions that arise in that Province. In Quebec there may not be the same confidence—I do not know how that may be—but I have observed some discussion indicating that there was not the same confidence in the ability and in the judgments of the Superior Courts of that Province. But I object, for one, to any action which implies an opinion in this House that the Supreme Court is not a desirable institution—unless that opinion really thus prevails; but I do not believe it does prevail. I do not believe that upon discussion it will be found that a majority, or that a large number of members have made up their minds that this Court ought to be abolished. Therefore, I think it is undesirable that we should have such motions, that we should entertain them at all, unless we are prepared seriously to entertain the proposition of abolishing the Court. Of course, that would be a very short process; but are we prepared to substitute something in its place? We cannot, according to my view, considering the circumstances in which we are placed, carry on the affairs of this great Dominion without an ultimate tribunal of appeal upon questions of a constitutional character, and upon the laws of this Parliament, that may arise. As for the motion which my hon. friend for Jacques Cartier has upon the paper, it is a very proper one. That does not indicate a desire to extinguish the Court; it is in the direction of amendment, and I believe that Court is susceptible of amendment. I believe that in the direction which has been pointed out by my hon. friend for Laval (Mr. Ouimet), some amendment may very properly be made. It does seem, on the face of it, rather absurd to appeal from the judgments of a Court of five Judges, especially upon questions arising out of the Civil Laws peculiar to the Province of Quebec, to a Court of six Judges, only two of whom have any real knowledge or acquaintance with the principles of those laws. It seems more absurd still when an appeal is taken from the judgments of Courts in Ontario, that in this Court, although the two Supreme Court Judges from Ontario may concur, that their judgment should be overborne by the opinions of the Judges from the other Provinces who are not familiar with the laws of Ontario.

Mr. BLAKE. What about the Judicial Committee?

Mr. MACDOUGALL. My hon. friend may think that one evil is justified by citing another.

Mr. BLAKE. We have that alternative.

Mr. MACDOUGALL. I think that distinguished lawyers and writers upon the judicial systems of England and other countries, have not hitherto expressed the greatest satisfaction with the constitution of the Judicial Committee. But this is to be said, the Judicial Committee of the Privy Council in England is a very learned body; it is composed

of men of very large experience, of very extensive knowledge of other matters than law. They are for the most part statesmen, they are for the most part men who have filled high positions. The Judicial Committee is composed of men who understand languages; they can hear arguments in French, and they are familiar with the laws of France at the present time. From their high position, from their great attainments and experience, they are probably the best qualified of any body of men that could be found for investigating in an enlightened manner the learned and exhaustive arguments that may be presented to them; and they have plenty of time to consider them, and they give a decision which is final and to which we must submit.

Mr. OUIMET. They render judgment in French.

Mr. MACDOUGALL. I do not think we can compare any Court that can be established in this country with the Judicial Committee of the Privy Council. I have had occasion to read one or two of their judgments on one or two points of law which have arisen from questions coming from the East Indies, and their familiarity with the laws of that country, the exactness with which they cited laws in both the French and English languages, and the great learning displayed in their judgments, filled me with astonishment. But, although these men are great men, I do not think the suggestion of the hon. member for West Durham is a sufficient answer to the point I was making. But coming back to the question before the House, I would ask hon. members to consider the effect of keeping a motion of this kind upon our Order paper. I think it is unfair to the Court, unfair to the country, and to the institutions of the country, to have this standing reproach every Session made against one of our most important institutions. If the Court is defective it ought to be amended, and this discussion will not have been useless if it induces the Government to take up the question, and to consider in what direction and to what extent modifications may be made in this Court in order to make it satisfactory to all parts of the country.

Mr. McCUAIG. Speaking entirely in a practical sense, the opinion entertained by the majority of the inhabitants of the county I represent is this: We have a Supreme Court composed of six men, two from Ontario, two from Quebec, and two from the Maritime Provinces. As I understand the matter, the two Judges from Ontario are not at all familiar with the laws of Quebec, while the two Judges from the Maritime Provinces are not familiar with the laws of either Ontario nor Quebec. Now, in Ontario we have an Appeal Court, composed of four Judges of high legal attainments, and well qualified to decide finally upon most every case that comes before them. But a case taken from our Court of Appeal, presided over by four of the best Judges of Ontario, may be taken to the Supreme Court, and their judgment overruled by the four Judges from Quebec and the Maritime Provinces, not at all familiar with our laws. That is not at all calculated to create any confidence in the decisions of the Supreme Court. I am told that in Quebec the Court of Appeal is composed of five Judges, and they are certainly better qualified to decide according to the laws of that Province than the four Judges of the Supreme Court can be who come from the other Provinces. The dissatisfaction with this Court is not on account of its expense, but that the people want an ultimate Court of Appeal composed of men whose judgments will carry confidence in their justice. There are only two Judges on that Court familiar with the laws of Ontario, yet their judgment may be overruled by the four Judges from the other Provinces. It is not only members of the legal profession who have doubts as to the ability of this Court, but the inhabitants generally have not that confidence in the decisions of this Court which those decisions ought to inspire. Now, I contend that it might be very proper that all cons-