

court for the purpose of trying cases of this sort. But I very much doubt the propriety of that, and it certainly would be more irregular than it would be to constitute a court in that way for the trial of election causes, because election causes belonging to the Dominion were not such as the Provincial Legislature could constitute a court to try without our authority and consent, and perhaps not even with it; but, as far as the admiralty jurisdiction is concerned, it being a matter which was referred to a certain class of court, and it being a subject matter over which this Parliament had jurisdiction given to it by the British North America Act of 1867, I think it is clear that, from the passage of that Act up to the present time, any Provincial Legislature may declare that a certain court organized and established by that Legislature shall have jurisdiction in admiralty causes. So, when the Minister of Justice says we ought to retain for the present control of this matter, he is stating a position which cannot be upheld, because, though we may create a court for trying admiralty causes, we might thus prevent the Local Legislature from giving like jurisdiction to a court which it might think proper to establish. It is clear that such jurisdiction might be given to a superior court by the Local Legislature as such jurisdiction may be given over election causes. As to the matter of convenience, is there any special reason for keeping the trial of admiralty causes separate from the trial of any other cause in the provinces? I do not think there is. Why should not a provincial court try a question of property in a vessel or any dispute in relation to seamen's wages or bottomry bonds, or anything of that kind, just as well as any ordinary matter of contract? Is there any possible reason for it? The Minister of Justice has referred to the question of compensation. Well, if the Minister of Justice were to give the full court an appeal in the case of the trial of an admiralty cause by a chief justice, where he now has the right to try it, no inconvenience could arise and no claim could arise, so long as the chief justice undertook to discharge the duties of judge of original jurisdiction. But it would be easy to provide that this jurisdiction should pass to any judge of the court, upon the demise of the chief justice, and that there should be an appeal to the full court, precisely as in any other case. It seems to me that we are multiplying courts and adding to the expense of the administration of justice unnecessarily, and we are creating difficulties in the way of suitors, we are imposing larger burdens upon them than if we were to merge this jurisdiction into the ordinary jurisdiction possessed by a provincial court. I think there are serious objections to this mode of dealing with the matter, and I hope the Minister of Justice will allow the Bill to stand over for another session and give an opportunity for fuller consideration of the subject than it will be possible to give it during this hurried session.

Mr. EDGAR. Apart from the very interesting point raised by the hon. gentleman who has preceded me (Mr. Mills), as to the rights of the provinces to create Admiralty Courts themselves, I am not at all disposed to quarrel with the Imperial Government for having given power to the British possessions, of which we form a part, to legislate for our own Vice-Admiralty Courts. I think it is a

little further concession to our local self-government than we had before. I will not refer to the bearing of this Act on the Vice-Admiralty Courts in the Lower Provinces and in Quebec, but I shall only say a few words in reference to its bearing on the Maritime Courts in the Province of Ontario. For some seventeen years, I think, we have had established in Ontario a Maritime Court under the jurisdiction of the Dominion Government. There was a maritime judge at Toronto, and there were surrogate judges of that court appointed among the County Court judges in different parts of the province. I see by this Bill it is proposed to abolish the Maritime Court in Ontario and to make provision that the maritime judge as well as the surrogate judges shall have all the powers of local judges of the Admiralty Court. I do not think the Minister of Justice can have quite intended one of the effects which will follow from this Act, as I read it. By the Imperial Act, all the powers and jurisdiction of the admiralty division of the High Court of Justice are conferred upon the judges who may be appointed by our Act. Then, by our Act, section 20, the surrogate judges—that is to say, the inferior judges in our Maritime Court, and not the head judge—are made judges of the new court. Then section 9 of this Act gives all the powers of the Exchequer Court to these local surrogate judges, and sections 3 and 4 of the Act give the Exchequer Court the full powers that the English Act authorizes, that is to say, the powers of the admiralty division of the High Court of Justice. Therefore, our local surrogate judges of the Maritime Court under this Act, as I apprehend, would have the full powers and the unlimited jurisdiction of the judges of the admiralty division of the High Court of Justice in England. I do not think it should be. They have in England a limited jurisdiction for the County Court judges as to the amount at issue, and they are also restricted in other respects, and I think that should be the limit of jurisdiction given to our surrogate judges, and that our own surrogate judges should be limited in their jurisdiction to such of the powers of the judges of the Admiralty Court as are conferred by the commission appointing them. Thus they would be restricted by all the directions contained in the commission. I think that the Bill as to the Maritime Court of Ontario will bear more consideration on that as well as on other points, to which I will draw the Minister's attention as the Bill goes on.

Mr. GILLIES. I wish to make a few remarks on the subject before the House. I will say that coming from the maritime section of this Dominion, we are deeply interested in this Bill, and we were glad to learn that the Imperial Parliament last year passed the Act known as the Colonial Courts of Admiralty Act. I am much pleased to see the action of the Minister of Justice in providing machinery to bring this Act of the Imperial Parliament into operation in Canada. But on looking over the Bill itself, I would respectfully suggest that some sections of it might be made a little more extensive, so that the relief it affords might be obtained by all parties seeking a remedy. I find that the Bill, as specified in the 14th section of the Act, makes the head office of Nova Scotia at Halifax. I would like to bring to the notice of the Minister of Justice and to the notice of the House the fact that in the Province of Nova Scotia we