

A party has always the right to appeal ; but if he chooses to inscribe his case in review he loses his right to inscribe in appeal. The other party is allowed to go to the Court of Queen's Bench, because he has not had the choice of his court. It is proposed by this Bill to give the party who has selected the Court of Review an appeal, which is now denied. We all know the character of the Court of Queen's Bench of the Province of Quebec. While I very highly respect the Supreme Court, and would not like to draw comparisons, I must say that the decisions of the Court of Queen's Bench are respected, and in 99 cases out of 100, give more satisfaction than the decisions of the Supreme Court. The proof of it is that, notwithstanding the expense of an appeal to the Privy Council, cases are still carried there instead of to the Supreme Court at Ottawa, and I will tell hon. gentlemen the reason. According to the rule of the Supreme Court, parties are required to have all their documents translated ; that is not necessary if they appeal to the Privy Council. In the Supreme Court the French authorities and the French law, which is the law of the Province of Quebec, cannot very well be cited from the French authors. In the Privy Council the lawyers of the Province of Quebec find jurisconsults as well versed in the French law as our own judges in the Province of Quebec. It is well known that the judges in England understand the French law thoroughly. The judges of the Supreme Court at Ottawa are not all familiar with French ; but we find in the Privy Council a tribunal which understands the French law perfectly well, and knows the jurisprudence which forms the basis of our system of law. Of course it is somewhat delicate to mention such matters here, but they are facts that cannot be denied. I was surprised to hear the Minister of Agriculture say that there is an appeal from the judgments of the Court of Review to the Privy Council. I challenge the hon. gentleman to mention an instance where a case has been appealed from the Court of Review to the Privy Council. The thing has never been attempted, and cannot be done for the reason that it is well known the Court of Queen's Bench alone has the right to adjudicate upon an application to go to the Privy Council. The hon. gentleman

Hon. Mr. Trudel.

has fallen into an error which he should have perceived immediately. The object of this Bill is to reverse the legislation of the Province of Quebec. If you can do this, where are the rights of the Provinces? I am amazed that such a Bill should receive the support of Quebec representatives who know how precious in our own estimation are those institutions of our Province ; and that admiration of those institutions is not confined to the French speaking people of Quebec. None of our judges, French or English, would consent, under any circumstances, to change the system now in force in that Province. I appeal to the Senate, whose special duty it is to guard the rights of the Provinces, to amend this Bill in the manner proposed. I cannot understand how the Minister of Justice can consent to give concurrent jurisdiction to the Supreme Court of Canada and the Court of Queen's Bench of the Province of Quebec. It would leave poor people at the mercy of the rich ; because no poor man could afford to carry his case to the Supreme Court.

Hon. Mr. PELLETIER--I am really surprised to hear the hon. gentleman say seriously that it will be against our interests in the Province of Quebec to have the right of appeal to the Supreme Court. He is entirely astray in supposing that the effect will be to multiply costs. The effect will be quite the reverse, as must appear to the hon. gentleman if he considers for a moment that instead of having two appeals there will be only one. What we want is to allow a litigant to go direct from the Court of Review to the Superior Court, instead of having first to appeal to the Court of Queen's Bench, and then to the Supreme Court.

The House then went into Committee.
Hon. Mr. Ryan in the chair.

On the second clause,

Hon. Mr. TRUDEL moved to amend the clause by inserting the word "highest" in the twentieth line.

Hon. Mr. MILLER said he did not think it was wise that appeals to the Supreme Court should be allowed, except-