

Hon. Mr. CAMPBELL thought the amendment proposed by the hon. Senator from DeSalaberry were in the right direction. It seemed to him that to allow appeals from Courts which were not the highest Courts of final resort in the several Provinces was a bad principle. If it were extended to the Courts of the Province of Ontario there should be appeals from the Division Court.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. CAMPBELL said even if that were not strictly correct, the very possibility of such a thing showed it was not advisable to omit the language which was used in the original Act, and which only gave the right of appeal from the Court of highest resort. Certainly the Courts of the Provinces should be exhausted, as it were, before a case should be allowed to go to the Supreme Court.

Hon. Mr. SCOTT said he did not profess to be sufficiently familiar with the practice of the Courts of the Province of Quebec to discuss this question in the way he should like to do, but he understood the inconsistency of this clause which it was intended to amend was this: at the present moment an appeal to the Court of Review, if unsuccessful, could not be carried further by the party bringing it to that particular Court. This measure practically allowed the appeal to go on from that Court, which was one of final resort, and was composed of inferior judges. It was practically giving to the Province of Quebec similar rights to those which existed in the other Provinces of the Dominion. In Ontario, the appeals naturally followed up from one court to another. He thought it was very unfortunate that the hon. gentleman (Mr. Bellerose) had introduced the question of the establishment of the Supreme Court. That Court had been long in contemplation—from the time of Confederation. It had been proposed on two or three occasions, in the Speech from the Throne, showing that the necessity for its existence had long been felt. He had been led to believe that the Province of Quebec demanded it especially, because appeals to the Privy Council were far more numerous from that Province than from any other Province in the Dominion.

*Hon. Mr. Campbell.*

To this day, the feeling in the Province of Quebec was to go to the Privy Council. The celebrated *pew* case, of St. Andrew's Church, Montreal, had been appealed to the Privy Council, and he understood there was another case with regard to the power of the Provincial Government to impose stamps on brokerage transfers, which was also to be appealed to England. Since the establishment of the Supreme Court, very few cases had gone to the other side of the Atlantic, compared to the number that had been appealed to England in previous years.

Hon. Mr. TRUDEL—There is some mistake about this matter. It was said by the Secretary of State the intention of the Bill was to remove an anomaly, by giving parties the right of appeal which, in fact, they do not possess to-day—that is, parties having inscribed their cases before the Court of Review are deprived of the right of appeal. If the people of the Province of Quebec come to the conclusion that they ought to have the right to appeal from the Court of Review, is it not more logical to go to the Court of Appeal of that Province. All that would have to be done would be to repeal the Act introduced in the Local Legislature by the Hon. Mr. Irving in 1872 or 1873, and then the appeal from the Court of Review would remain as it had been before. I do not understand how the representatives of the Province of Quebec, who ought to be jealous of the rights of that Province, as we understand them, who know that we have fought to preserve our institutions and laws, can support this measure; because in passing such legislation they are reducing to insignificance our Court of Appeal. How is it after our Local Legislature feels bound by public opinion to abolish the appeal from the Court of Review and the Court of Queen's Bench, because it is too costly, that this Parliament should step in and say that there shall be an appeal from the Court of Review directly to the Supreme Court, in which the cost would be two or three times greater? The logical way to go about it would be this: let us restore the jurisdiction of the Court of Queen's Bench, and then, if the people are not satisfied with the decision of that court, let them appeal to the Supreme Court.