

Hon. Mr. BELCOURT—Does my hon. friend not consider that under section 84 that remedy is open to the Attorney General, where it is provided that if he gives his opinion in writing, and the principle affirmed by the decision is of general public importance, he has an appeal to the Supreme Court, so that there is no necessity of giving him an appeal to the Court of Appeal.

Hon. Mr. DANDURAND—It is just for that reason that his appeal up to this moment has been altogether to the Court of Appeal, and that he has felt the cruelty of the proceeding on the part of the Crown of bringing litigants from a far away province for a relatively small sum, and involving the litigant in the heavy expense of the Supreme Court, and as he felt that it was a question of principle that was involved, and which was of more importance to the Crown than to the litigant, that the litigant should not be mulcted in a heavy bill of costs by bringing him to the Supreme Court. Under these circumstances, he has felt that he should be entitled to go to the Court of Appeal in the province in which the case has arisen.

Hon. Mr. LOUGHEED—Why has the Crown made it optional, if that is the case?

Hon. Mr. DANDURAND—I am just proceeding to explain the trend of mind of the minister, and the genesis of this piece of legislation. Of course, the attention of the Minister of Justice has been drawn in another place to the opportunity of giving the suppliant the same right of appeal to one of the courts of appeal. I consider there is considerable force in asking that he should be put on the same plane as the Crown; but just now I am simply explaining why the Minister of Justice has thought proper to ask parliament to vest him with the right of instituting for himself an appeal, and having the alternative to going to the Court of Appeal and accepting thereby, as final against him, the judgment of that Court.

Hon. Mr. BELCOURT—Where is the authority of my hon. friend to say that that judgment is going to be final?

Hon. Mr. DANDURAND.

Hon. Mr. DANDURAND—I say that the Crown, acting under the provisions of this Bill—

Hon. Mr. BELCOURT—What is there in the Bill which provides that the judgment of the Court of Appeal shall be final?

Hon. Mr. DANDURAND—I find it in the spirit of this very piece of legislation; I am not affirming that there is no appeal. I consider there is an appeal. If the sum in dispute is above two thousand dollars, there will be an appeal from the Court of Appeal to the Supreme Court, of right an appeal by the suppliant, but which could not be exercised by the Crown under the terms of this legislation.

Hon. Mr. BELCOURT—Or to the Privy Council.

Hon. Mr. DANDURAND—I consider that the crown has closed the door to an appeal, when it says that it may take an alternative appeal to the Court of Appeal. In my opinion the Crown will have to be satisfied under this legislation with the judgment of the Court of Appeal, if that judgment goes against it.

Hon. Mr. BELCOURT—Does my hon. friend think, and does the Minister of Justice think that there is or is not an appeal from the Court of Appeal to the Privy Council in a case of this kind?

Hon. Mr. DANDURAND—I would not like to give my opinion on this point, although I am fairly clear as to the other point, that the supplicant can go from the Court of Appeal to the Supreme Court.

Hon. Mr. BELCOURT—I would like my hon. friend to say if one of the objects, if not the sole object of this legislation, is to grant an appeal from a decision in appeal given on the judgment of the Exchequer Court judge? Is it not for the purpose of getting to the Privy Council from the Exchequer Court, outside of the Supreme Court?

Hon. Mr. DANDURAND: I say no; because I have the authority of the Minister of Justice who has expressed himself in another House and who has stated that he had two ends only in view: First to