

He has to apply for a petition of right; and although I notice it has been stated in another place that this petition of right is rarely refused, it is very often long deferred. Sometimes more than a year will elapse before the right of the Crown is granted. You see the Crown has that advantage. The private citizen cannot bring a suit without the permission of the Crown. Surely after the two parties have got into court, the Crown should not insist on having privileges superior to those granted to the private suitor. I notice that in the discussion in another place one of the grounds given was that it was cheaper to appeal to the Provincial Court of Appeal than to the Supreme Court at Ottawa. Surely if that is one of the grounds for allowing this appeal to the Crown, it is a stronger ground for allowing the appeal to private individuals. The citizen's purse is not generally as long as that of the Crown, and, I quite agree with the hon. gentleman from Grandville, in thinking if the Bill is to pass, the appeal should be granted to both parties in the same way. The private individual should be put on the same footing as the Crown in that respect.

Hon. Mr. BEIQUE—I rise to make a correction in a statement that I made. I said that I did not agree with the hon. member from Ottawa when he said that he thought there would be an appeal either to the Supreme Court or to the Privy Council.

Hon. Mr. BELCOURT—I said to the Privy Council.

Hon. Mr. BEIQUE—Yes, because of the provincial Act, which says that there is an appeal from all final judgments. Well, I maintain the opinion I expressed, and I desire to call the hon. member's attention to this, that it would be open to the provincial legislature to remove the right of appeal. An appeal in virtue of this statute would depend upon whether the legislature maintained a right to appeal. I do not think there can be any appeal in virtue of this federal Act unless it is so expressed by the Act, in virtue of a provincial statute; but where I may have made the mistake is, when I added that there would be no appeal either to the Privy Council or to the Supreme Court. The appeal might exist, and

I think that it would exist under section (37) of the Supreme Court Act. That section says:

Except as hereinafter otherwise provided, an appeal shall lie to the Supreme Court from any final judgment of the highest court of final resort now or hereafter established in any province of Canada, whether such court is a court of appeal or of original jurisdiction, where the action, suit, cause, matter or other judicial proceeding has not originated in a Superior Court, in the following cases:—

In the province of Quebec, if the matter in controversy amounts to or exceeds the sum or value of \$2,000, there might be a right of appeal in virtue of that section of the Supreme Court Act, which is, of course, a federal Act; but I think the attention of the Department of Justice should be drawn to the matter, and that it should be made clear as to whether it is intended to give a right of appeal, and to what court.

Hon. Mr. DANDURAND—I may be allowed to say a few words in reply to some statements which have been made. The first one I would like to answer is the one made by the hon. gentleman from Halifax, who thinks it is somewhat derogatory to allow an appeal from a federal court to a provincial court. I do not look upon the Exchequer Court as being a higher court than the Superior Court of any province, and much less when compared with the Court of Appeal in any province. The Exchequer Court is instituted to deal with cases which are dealt with by the Superior Courts throughout the land in cases affecting the Crown, and its judgment is a judgment of first instance, and the judge of the Exchequer Court, to me, stands in the same light and on the same plane as a Judge of the Superior Court of any province in the Dominion. As to the purport of this enactment, in order to understand the reason for its being framed one would need to see what actuated the Minister of Justice in drafting it. He has been confronted with judgments of the Exchequer Court against the Crown for small amounts, where an important principle of civil law was involved and settled definitely among the parties. He has thought that in certain of these instances it was important that the Crown should not rest with this judgment, and this enunciation of principle—