Section 133, after providing that either the English or French language may be used in debates of the House of Parliament of Canada, and of the Houses of the Legislature of Quebec, and that both should be used in the respective Records and Journals of those Houses, enacts that "*either of those languages may be used by any person, or in any pleading or process in, or issuing from* ANY COURT OF CANADA ESTABLISHED UNDER THIS ACT, and in or from all or any of the Courts of Quebec."

There are no other clauses or provisions that appear to me, to bear in any way on this matter.

With respect then to an Appellate Court,—this, without doubt, the Parliament of Canada has full power to establish. But I cannot help thinking that it would have simplified matters, if the organization of a general Court of Appeal had been dealt with in an Act by itself. This, it appears to me, section 101 seems to contemplate, leaving the establishment of "Additional Courts," if found necessary "for the better administration of the Laws of Canada," for separate legislation; even though such Courts should be placed under the administration of the Judges of the Appellate Court.

But this is a small matter compared with other questions which seem to me to present themselves on the whole Bill as worthy of consideration.

An efficient appellate tribunal as a Court of *dernier ressort*, and whose precedents would be a rule of decision for the Courts of all the Provinces, is without doubt much required. It should, I think, be so constituted as to secure its being at all times presided over by Judges in whose learning and character the Profession and Public have, from experience, confidence. It should be easy of access—speedy in its action—and, with a view to dispatch and cheapness, simple in its procedure. It should deal only with cases of sufficient magnitude, either in the amount or principle involved, to warrant further investigation and expense; and then, with the substance of the matter in controversy on broad principles of law and justice, to the discouragement of mere formal or technical objections which do not affect its merits.

Deficient in these particulars, it is more likely to become a burthen than a blessing.

If the Court is composed of those whose legal standing or experience is inferior to the Judges of the Court whose decision is appealed from, and a decision should be reversed by such a tribunal, possibly by fewer Judges in number than originally decided the case, the administration of justice must necessarily be depreciated, rather than elevated in public estimation. And if parties are delayed by being compelled to go to a great distance, and have to employ fresh counsel to obtain relief from decisions against, or to maintain decrees in their favor; or the merits of the case and substantial justice have to give way to technical objections, or objections on the ground of mere formal defects in procedure, or objections which were not raised in the Court below; or the expenses from these or other causes are made too costly; the Court in many cases, instead of rectifying errors, will only afford the litigious or the wealthy, facilities for defeating the ends of justice, by embarrassing and frustrating proceedings, and impoverishing parties, so as to render a final victory worse than submitting to an original defeat.

While the large strides made in legal reform within the last few years, and those which are now in progress, warn us not to adhere too rigidly to ancient modes of proceeding, still we must remember few changes have been made in the great fundamental principles of law, and the wisdom and learning of the ancient Sages of the law still remain as safe guides and beacons; and we should, I think, without unnecessarily departing from established insti-