THE SUPREME COURT ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved that the House go into Committee of the Whole on the Bill intituled "An Act to amend the Act, Chap. 11, 38 Victoria, intituled 'An Act to establish a Supreme Court and Court of Exchequer for the Dominion of Canada.'"

Hon. Mr. TRUDEL said the second section of the Bill re-enacted clause 17 of the Act of 1875, and added something to it. The most important change consisted in the omission of the word "highest." It was proposed to allow appeals from judgments which involved the constitutionality of Acts of this Parliament, or of the Local Legislatures. He was in favor of that amendment. The next amendment, however, was objectionable. It provided for the right of appeal in cases relating to "any fee of office, duty, rent, "revenue, or any sum of money payable "to Her Majesty." He believed the Court of Appeal of the Province of Quebec gave ample protection to the rights of the Crown. The next amendment related to "any title to lands or "tenements, annual rents, or such like "matters or things, where the rights of "the future might be bound." He thought that amendment was unwise. When the Supreme Court Act was passed in 1875 this point was fully discussed, and it was the general feeling of members of the legal profession that the right of appeal in such cases should be limited as much as possible. He had occasion to speak to some members of the legal profession in the other House on the subject, and was informed that many of them had been absent when this Bill was discussed in the House of Commons. He proposed, therefore, to strike out that portion of the amendment, and he would also move to have the word "highest" restored to the clause. He believed that word had been omitted through a misconception. He understood the reason why it had been omitted was this: they did not see any reason for keeping the word "highest" in the clause because they thought the words "Court of final resort" implied the highest Court. Theoretically that might be so, and it was so, until a few years ago, in the Province of Quebec; but in 1872 or '73 a Bill had been passed in the Local Legislature of that Province, to restrict the appeal from the Superior Court sitting as a Court of Review. It had always been considered that the Court of Review sat in revision of its own judgments; so they were not the judgments of different Courts. It was not, properly speaking, a Court of Appeal. By the legislation of the Province of Quebec, it was enacted that, in all cases involving less than five hundred dollars, if the appellant chose to ask a review of the judgment of the Supreme Court, he was not allowed to appeal from that Court to the Queen's Bench, but in that case only the judgment of the Court of Review was a final judgment. That had been done because it was thought well not to multiply the costs of appeals. If the right to go to the Court of Appeals has been denied in such cases, he thought there was greater reason still to deny an appeal to the Supreme Court from the Court of Review. If it was wise to legislate in 1872-3 for the protection of suitors from the costs of litigation, surely there was a still greater reason why appeals to the Supreme Court should be limited to the judgments of the highest Courts in the several Provinces. That was the reason why the word "highest" had been inserted in the Act in the first place. He did not think the feeling of the Bar of the Province of Quebec had changed since that time. The effect of this change would be to create an abnormal state of things by preventing a party from appealing to the highest Court in the Province, and yet allow him to go to the Supreme Court. He thought the House would agree with him that the word "highest" should be restored in this clause, and that the Bill should be otherwise amended as he had suggested.

Hon. Mr. PELLETIER said it was a strange reason to give for opposing this measure, that certain gentlemen of the legal profession had not attended to their duties in the other House during the Session. The simple reply to that, was that they should have been there. He had seen members of the Bar, not only in the House of Commons, but outside of it, who had almost unanimously approved of this