

fourth, that there shall be no appeal per saltum from provincial tribunals presided over by persons appointed by authority of the Provincial Legislature. Such tribunals, as a rule, are mainly concerned with controversies relating to matters which are solely administrative in their character. Of course, this applies only to appeals per saltum and not to appeals de plano, when there is a final judgment by the court of last resort in the province. The main purpose is to provide that when there is no appeal to the court of final resort in the province there shall not be an appeal to the Supreme Court of Canada. I think the aim of the Bill is merely to clarify the situation that already exists, which has created some difficulties and been the cause of some litigation.

Hon. Mr. GRIESBACH: Which court will determine whether there is a right of appeal—the Supreme Court or the court of highest jurisdiction in the province itself?

Hon. Mr. DANDURAND: As I read the explanations given, my answer would be that both the highest court in the province and the Supreme Court would give assent.

The motion was agreed to, and the Bill was read the second time.

THIRD READING

Hon. Mr. DANDURAND moved the third reading of the Bill.

Hon. Mr. COTE: Are we to understand that leave must be obtained both from the highest court of appeal in the province and from the Supreme Court itself?

Hon. Mr. DANDURAND: I will read the clause:

37. (1) Subject to section thirty-eight hereof, where the amount or value of the matter in controversy in the appeal exceeds the sum of two thousand dollars, an appeal shall lie directly to the Supreme Court in respect of a question of law alone from a final judgment pronounced in a judicial proceeding by a provincial court of which the judges are appointed by the Governor General, upon leave being granted to that effect by the highest court of final resort in the province in which the proceedings were originally instituted, and provided that the consent in writing of the parties, or their solicitors, verified by affidavit is filed with the Registrar of the Supreme Court and with the registrar, clerk or prothonotary of the court to be appealed from.

(2) No such leave shall be granted by the highest court of final resort unless an appeal would lie to such court of final resort and also to the Supreme Court from the judgment of such court pronounced in such appeal.

(3) Save as provided by this section, but subject to section forty-four, no appeal shall lie to the Supreme Court except from the highest court of final resort having jurisdiction in the province in which the proceedings were originally instituted.

As I read the explanation, I took it for granted that application had to be made to the Supreme Court.

Hon. Mr. COTE: But there is nothing in the section as amended which refers to the necessity of obtaining leave from the Supreme Court itself?

Hon. Mr. DANDURAND: No; but all the same I believe there must be application to the Supreme Court for leave.

Hon. Mr. COTE: At any rate, if such a necessity exists, it exists by virtue of some section not touched by this Bill.

Hon. Mr. DANDURAND: Yes.

Hon. Mr. LEGER: I think the explanation is fully given in the note on page 2. It would seem that permission to appeal to the Supreme Court would be required only when the provincial court had negatived the right to appeal.

Hon. Mr. DANDURAND: Of course, it goes without saying that the Supreme Court, when applied to, would see that all these conditions had been complied with.

The motion was agreed to, and the Bill was read the third time, and passed.

NAVAL AFFAIRS

DISCUSSION CONTINUED

The Senate resumed from March 31 the adjourned debate on the question proposed by Hon. Mr. Ballantyne:

That he will call the attention of the Senate to the training of naval cadets and the closing of the Naval College, and also to the sale of the training ship Aurora.

Hon. J. P. MOLLOY: I assure honourable senators that it had not been my intention to take part in this debate, and my only reason for speaking is that in the course of his speech the honourable senator from Edmonton (Hon. Mr. Griesbach) made use of one word which impels me to say something in reply.

The debate was opened by the honourable senator from Alma (Hon. Mr. Ballantyne). He held the portfolio of Minister of Marine throughout a very troublesome period. I am sure he will not object if I call him the first Civil Lord of the Canadian Admiralty in days gone by.

Some Hon. SENATORS: Hear, hear.

Hon. Mr. MOLLOY: He was followed in the debate by three generals. They all distinguished themselves in the Great War, and to-day have seats in this House. I listened to them attentively and found they agreed to disagree. They were followed by my honourable friend of many years' standing,