

colleagues and all those who will be parties to the conference in coming to the decisions which they will have to make.

When the question of equality of status is being discussed another question will arise, that of appeals to the privy council. There are some who believe that so long as we have an appeal to that committee we cannot say that we have complete equality of status. Again I say that the prevalence of this condition is of our own free will. The mother country at the conference of 1926, and the other conferences as well, made it clear that when one of the sister nations of the empire wants to do away with that appeal it is for her to decide. In Canada I know there is a strong body of opinion that we should retain that appeal to the privy council. Others think differently. So far as I am concerned, without being extreme in the matter or in any way expressing a forcible view, I am of the opinion that if Canadians are competent to make their own laws they should be competent to interpret them. I think it is a reflection on the legal men of Canada and on our judiciary to say that our supreme court should lack the competence necessary to inspire confidence in Canadian litigants. If that is so, by all means action should be taken to improve that condition. By all means the best men should be sought and appointed to the bench. Again I say that it is merely a matter of discretion on the part of our country. I believe we can retain the right of appeal without feeling any sense of inferiority or subordination, it is rather the merit of the question I am discussing.

Mr. GUTHRIE: May I ask my hon. friend a question? If a situation arises under which some of the provinces desire to maintain their right to appeal and others do not, and this parliament desires to maintain it, what solution of the difficulty would my hon. friend suggest?

Mr. LAPOINTE: I quite recognize the difficulty. I was expressing rather a theoretical view, because I know that the provinces have their autonomy in that regard. They are supreme within their jurisdiction, and they may want to maintain the appeal. I do not say that we could oppose their view or prevent them from doing so.

Mr. GUTHRIE: Would my hon. friend approve the suggestion that a rule otherwise than one uniform in character should prevail. That is, that one part of the country should maintain the right and other parts of the country deny it?

[Mr. Lapointe.]

Mr. LAPOINTE: No, I agree with my hon. friend that such a condition would make for confusion. Certainly this is one of the difficult questions which I think ought thoroughly to be discussed at the conference which is to be called by my right hon. friend.

Mr. LAVERGNE: It is not so difficult as all that—an appeal to the king, which I believe in, should be an appeal to the king acting with his privy council in Canada.

Mr. LAPOINTE: That is another suggestion which might be discussed at the proposed conference, and I invite my hon. friend to submit his views.

Mr. LAVERGNE: I shall not be there!

Mr. LAPOINTE: I merely invite my hon. friend to submit his views to the Minister of Justice and the Prime Minister, and he may convince them that his proposition is sound.

There is one inconvenience in connection with the decisions of the privy council. Of course, as the house knows, it is not really a court, but is a committee advising the king, and the necessary result is that the decisions of the privy council are not binding, either upon other courts or upon itself. They change their views on certain matters, as the jurisprudence will show, and it is even suggested—and I think not contradicted—that not only do strict legal principles rule in their decisions, but sometimes questions of policy as well are considered. The privy council therefore is a tribunal quite different from other courts. In this connection I might refer, Mr. Speaker, to an article by a prominent member of the bar in Ottawa, and a good friend of the Prime Minister. I refer to Mr. George F. Henderson. After the judgment was rendered by the privy council on the question whether women should be eligible for appointment to the Senate, Mr. Henderson rose and read a very cleverly written article to the effect that the decision might have been sound in matter of policy but was against the law as he had until then read it. Of course I was in favour of the decision as it was then rendered, and I do not wish to discuss Mr. Henderson's contention. I cite it just to show what the impression is, among lawyers and other people as well, with regard to decisions of the privy council. Some think that those appeals should be retained more particularly in constitutional cases. I am not sure that even there they can have a very strong case.

Mr. LAVERGNE: Hear, hear.

Mr. LAPOINTE: Because after all, our sister nation of Australia takes an altogether different stand. Australia, both the common-