

opinion of a decade ago was quite different. I was then in the House of Commons, and I well remember the amazement caused by Mr. Cahan's speech. I have already said that I myself was amazed, and I am sure that the speech must have been a great surprise as well to many of his political friends, and brought discomfort to them. But time is a great healer and, as I also have previously said, it has justified Mr. Cahan.

I recall the intense and heated debates concerning Dominion Day. Many people argued that "dominion" did not mean domination. I think that public opinion on that question has now been clarified. On the question of a national flag, I think that public opinion has also undergone a change. There is a feeling today that our country has outgrown its dependence upon institutions beyond our shores, and that perhaps because of certain sentimentalities and high ideals, we have already waited too long in making our position clear.

I heard a good deal from the two honourable senators opposite who spoke on this measure, about what is known as *stare decisis*. Their arguments were interesting, especially to a layman. To me it seems most peculiar that a new court in Canada should be bound by the precedents and decisions of the Privy Council. I agree that such precedents should be a guide to the court.

In that way the jurists who compose the new court could make such use of the judgments of the Privy Council as they thought proper.

It has been said that Canadian judges might be favourable to central control. Well, our judges, before their appointment to the bench have usually been members of a political party, but I have never heard it said that a judge carried his politics onto the bench or had any biased political views. It has always seemed to me that the men we have appointed were big enough and clean enough to forget their politics and consider only the cause of justice.

Every judge is a Canadian and a provincial. I know that the judges who come from Nova Scotia bring with them a love for that province, and a feeling that no matter how long they may stay in Ottawa, the place where they were born is the best part of Canada. I believe that the judges of the Supreme Court will have a love for their home provinces and an understanding of local conditions that should allay all our fears. I believe also that, the new court will be held in high esteem in accord with what has always been the ideal and the tradition of the Canadian people. We all know that England has a great judiciary, as has also the United States, but

I think that the present Canadian judiciary is above reproach and that the new Supreme Court will maintain that standard.

My honourable friend the senator from Vancouver South (Hon. Mr. Farris) asked the question: Who in Canada has ever been hurt by the Privy Council? I do not know what my Conservative friends may say about this, but I think that the late Lord Bennett, when he was leader of the Conservative party, was hurt by it when it quashed his new deal and declared that it was *ultra vires*. As honourable members will recall, the party to which I belong went to England later and had an Act passed which brought the subjects in question under the provisions of the British North American Act. All that was wrong with the proposal of the late Lord Bennett was that it was ahead of its time, and he evidently went at it in the wrong way. Such procedure shows how futile are the judgments of the Privy Council. Even today when it hands down a judgment which we do not like, we promptly amend the British North America Act. The changing of this Act in Great Britain has become a matter of form, for the Privy Council would not dare refuse any request to change the constitution which came from the Canadian parliament.

The Lemieux Act, which I think was also disallowed by the Privy Council, was a piece of advanced labour legislation which was in the interest of both employers and labour. It was only when we secured certain changes to the British North America Act that the influences of the Lemieux Act were again felt in Canada.

Something was said about one of our lady senators. This honourable lady spoke in favour of the Privy Council, because it opened the door for her to come into this chamber. She frankly said that the Privy Council had contributed something to the emancipation of women. I do not know what my lawyer friends thought about that case, or what the Privy Council meant by its judgment. I choose to adopt the "living tree" doctrine put forward by the honourable senator from Inkerman, for I believe that as the living tree grows it has to be pruned. Regardless of what the framers of the British North American Act had in mind earlier, it seems to me that after Canada gave women the right to vote, it was perfectly natural to appoint women to the Senate. I do not think we need to worry about that subject.

Some people today talk against progress and choose to worship the past. Accordingly, they stress history. The late Henry Ford is reported to have said that history was the bunk. That was a strange statement, and one to which I cannot subscribe. But Henry Ford was a practical man of great achievements, and I have no doubt that he was