

Supreme Court Act

to direct particular attention to one part of the resolution which was referred to by the Prime Minister when he was replying to the leader of the opposition. The Prime Minister is reported on page 197 of *Hansard* of September 23, 1949, as follows:

As to the resolution adopted by the Canadian Bar Association, I think it is worthy of great respect because I believe that all those who attend such a meeting, as do those who attend meetings of other professional bodies, attempt to act objectively and to give their fellow citizens the benefit of the best kind of opinion and advice they can tender. I think perhaps the most important provision of this resolution is that when the appeal to the privy council is abolished, provision should be made that the court consist of nine judges; and there are various organizational provisions that are contained in the legislation now submitted to this house. But subparagraph (g) of the resolution reads as follows:

That the rule of *stare decisis* ought to continue to be applied with respect to past decisions of the court, as well as with respect to past decisions of the judicial committee.

That is something with which I entirely agree.

I presume the Prime Minister was speaking on behalf of the government. If he agrees with that part of the resolution, then why not have it written into this bill? The Prime Minister went on to say:

I think it is a part of the system of the administration of justice in British countries that the decisions are regarded as binding upon themselves and upon all courts of lower jurisdiction, until they are modified or set aside by legislative action.

Was there any modification or was there any setting aside by legislative action before the comments attributed to the Chief Justice of Canada were uttered? Certainly no such action was taken.

The previous speaker seems to have a good opinion of lawyers, or at least of some lawyers, and he seems to value the Canadian Bar Association highly. If you are going to build a house or make alterations in a house, what do you do? You call in an architect and obtain his opinion. But what has happened in this particular case? We are planning here to make alterations in our legal house and we have received the advice of the finest architects in the country. Judging from some of those that I have met, I would say that they are possibly the finest legal architects in the world. I am referring to the Canadian Bar Association.

These architects of the Canadian Bar Association have made definite recommendations with respect to the alterations proposed in this legal house of ours. Are you going to be wise and follow the recommendations of those architects whose business it is to give wise advice, or are you going to follow your own ideas? This matter is in our hands.

In so far as disputes between private individuals are concerned, I can see that there would be justification for such a bill, but

when there are disputes between provinces to be settled it seems to me that we should have an independent tribunal to adjudicate the matter. If anyone can present a sensible argument against that contention I shall be glad to hear it. As Lord Hewart has stated, it is necessary not only that justice be done, but that it should seem to be done. In conclusion may I say that, in view of the proposed early consultation with the provinces, in view of the recommendation of the Canadian Bar Association, and in view of there being no logical reason for haste in the passing of this bill, the only sensible thing to do is to vote for the amendment moved by the leader of the opposition.

**Mr. R. E. Anderson (Norfolk):** I should like to speak for a short time in support of the bill and against the amendment. I am a new member of the house, and being a farmer I do not know the finer points of law. From a practical standpoint, however, the bill seems to me to be reasonable and sensible. My forefathers came from Great Britain, and no man here could owe greater allegiance to Great Britain or be more patriotic. That allegiance is exceeded only by what I owe the Canada that gave me birth and a stake in this grand dominion.

I live with my family and my grandchildren in the county of Norfolk. I believe I shall have to apologize to the hon. member for Fort William (Mr. McIvor) for what I am about to say because I may seem to be quoting him, but I had no opportunity to revise my remarks. I refuse to admit that there are in any country in the world men of greater ability, greater knowledge of legal affairs, more sensible, or better able to legislate for Canada than Canadians. Six months will make little difference in their qualifications. We are proud of our pioneers, we are proud of our soldiers, we are proud of our statesmen, we are proud of our Prime Minister (Mr. St. Laurent) and the government. Let us be proud of our judges and show our faith in them. I follow the leadership of the Minister of Justice (Mr. Garson) who is sponsoring the bill.

**Mr. Rodney Adamson (York West):** I wish to speak very briefly on this subject as a layman. We have heard a great many speeches by lawyers about the abolition of appeals to the privy council. I should like to give the point of view of one who has not been trained in the profession of law. May I say that in many ways I wish I had been trained in the profession of law because I have a very great admiration for lawyers, and I believe anybody who belittles the legal