He went on:

> This result is attainable only if section 101 of the British North America Act now authorizes the establishment of a court with final and exclusive appellate jurisdiction.

As a layman it seems to me that that simply means that there could be no restriction on legislation adopted by a fully sovereign state, such as Canada now is, having of course, as the Prime Minister (Mr. St. Laurent) and the Leader of the Opposition (Mr. Drew) have pointed out this afternoon, regard to the rights of the provinces which are set out in the British North America Act. As the Prime Minister pointed out this afternoon, in section 92 of the British North America Act the rights of the provinces are set out. With the judgment of the privy council on the question initiated by Canada before us, surely there can be no question as to the right of this parliament to pass the legislation which has been moved for second reading by the Minister of Justice.

Over the years I have listened, as I have already said, to long constitutional arguments in this house on the question whether we could or could not deal with this matter. As I remember, eminent lawyers including Hon. C. H. Cahan who, I believe, occupied the very seat from which the leader of the opposition spoke today, Mr. Justice Thorson of the Exchequer Court of Canada, then the member for Selkirk, and of course the late Right Hon. Ernest Lapointe discussed the question at some length. It seems to me that with the judgment now before us the topic then under discussion is no longer necessary.

A moment ago I referred to Mr. Jaenicke's contributions. The other day I looked up what he had to say in certain particulars. At page 2948 of *Hansard* of May 9, 1947, he said that there can be no argument that the abolition of appeals to the privy council would take away the age-old prerogative of the king of hearing appeals of his subjects.

There can be no argument that that is being done. He correctly stated that His Majesty never hears appeals personally but depends on his judges. He then went on to say:

> In making the Supreme Court of Canada the final court of appeal we simply substitute His Majesty's Canadian judges as the final arbiters upon any grievances brought before him by his subjects in Canada.

It seems to me that that is the whole point of this legislation at the present time; that we make our own courts, our own judiciary, an arm of our government, the sole, the final arbiters of any matter that a citizen or a province wishes to be dealt with by a court.

There is a very interesting book that I would recommend to hon. members who have not seen it, particularly if they are new members. I suggest that they get a copy of it and study it in relation to these matters and the rights, privileges and powers of our federal parliament. It is a book written by Mr. Maurice Ollivier, one of the outstanding legal advisers of this parliament. It is entitled "Problems of Canadian Sovereignty". Mr. Ollivier has a very interesting quotation along the same lines as that which I was giving a moment ago. It is a quotation from Lord Haldane. He quotes him as follows:

> The prerogative of the crown is a vague expression . . . Since Lord Coke vindicated the powers of parliament in the days of James I, it has been clear that the sovereign can only administer justice in courts recognized by parliament, and that he cannot interfere with the judges who preside in these courts.

And later on, in the same book, Mr. Ollivier, at page 345, points out that if the judgment of the privy council is merely an order in council passed on the advice of a group of imperial advisers, to give effect to the report of the judicial committee of the privy council, it is high time that the right of appeal to a United Kingdom committee should be abolished. And the king, in his capacity as King of Canada, should act on the advice of his Canadian ministers. For, as stated in the report of the imperial conference of 1926, it is the right of the government of each dominion to advise the crown in all matters relating to its own affairs.

If we adopt this bill—and I have no doubt parliament will adopt it, because I can see no purpose in the amendment moved by the leader of the opposition except, of course, to kill the measure during this session of parliament—what we are actually doing, it seems to me, is to take for Canada the attributes of sovereignty which a self-governing nation should and must assume. Surely it does not break any valuable link with the commonwealth of nations. Indeed, in my opinion it removes what perhaps might become, and in some instances in the past has become, a somewhat fruitful cause of friction and of discontent.

Nor can I see that it jeopardizes in any particular the rights of Canadians, or their privileges as free citizens of this country. Surely one of the rights and privileges of free citizenship is the right of self-government; and to my mind this measure is a step in the direction of self-government for the Canadian people.

In support of my statement a moment ago, that this might at times become a cause of friction, let me quote the late Mr. Cahan in that memorable speech to which I listened in the House of Commons, which I am sure those of us who were then here will not