

101 of the British North America Act. However, Sir John Macdonald was a great admirer of the laws of England, and a little persuasion convinced him that he had better leave well enough alone.

My experience during the years in municipal councils, in provincial legislatures, and in parliament has convinced me that many of our people have been against abolition of appeals to the Privy Council for reasons of sentiment or because they were fearful of the change. You would expect most Canadians to be sentimental in a matter of this kind, and perhaps it is only natural that some people should be fearful; but it seemed to me strange indeed that the members of the Canadian Bar Association should be among them. They wanted the bill delayed. This suggests that our lawyers lack confidence in themselves, for some of them will become judges, and most of them plead before the courts.

I think that those who argue in favour of continuing appeals to the Privy Council are trying to perpetuate a system that is out-moded even in Britain. It certainly is out-moded in Australia, South Africa and India, and in my opinion Canada is rather late in asserting her right and desire to govern fully within her own borders. After all that has been said by the legal gentlemen in this house and after all the information we have received, I think we can express the present situation in a few words, namely, that the people of this country have decided that the time has come to abolish appeals to the Privy Council.

Many people say that the Privy Council, during all the years our final court of appeal, was a splendid judicial body, and I have no doubt that it was. For a long time I have been deeply interested in its decisions. As I talked to law students, professors and practising lawyers, I formed the same opinion as did the senator from Inkerman that the Privy Council was generally favourable to the provinces; and that the reason why it was favourable to the provinces was, to put it bluntly and honestly, that it did not want too much authority to repose in the central government of Canada. That may have been a matter of policy of the British authorities, duly carried out by the Privy Council, and if we think this is true, it is honest to say so. They are human, after all, and humans are not infallible.

The honourable senator from Inkerman referred to the late Honourable C. H. Cahan, K.C., and the late W. F. O'Connor, K.C., both eminent lawyers and natives of the province of Nova Scotia. I knew Mr. Cahan for many years. I sat with him in the House of Commons and heard him make his speech advocating the abolition of appeals to the Privy

Council. I must say that as I listened to him I was amazed—not by the speech, but by the fact that it came from a Conservative member of the House of Commons at a time when most of us had not yet made up our minds as to whether or not we should like the Supreme Court to be our final court of appeal. But after I heard the reply made by the late Mr. Lapointe, then Minister of Justice, I said to myself "This is the beginning of the end."

Whatever anyone may say now of Mr. Cahan's speech, history has justified it, for the plea which he made is about to be granted. I thought the senator from Vancouver South (Hon. Mr. Farris) was a little ungenerous to the memory of Mr. Cahan, who was not only an eminent Nova Scotian but also a great Canadian and an able lawyer. My honourable friend from Vancouver South said he concluded that Mr. Cahan had been embittered because of reverses suffered at the hands of the Privy Council, or words to that effect. I should put Mr. Cahan's position on a higher ground. I should say that, by reason of his experience before the Privy Council and in the practice of law, he had become a qualified critic and was therefore eminently fitted to express his views to his fellow members of parliament.

As for Mr. O'Connor, I knew him when he was a member of the Board of Control in the city of Halifax. I was then mayor of Lunenburg, and the Chief Justice of Nova Scotia was the mayor of Halifax. Mr. O'Connor already enjoyed a local reputation as a coming lawyer of ability. I knew him well, and when he was Parliamentary Counsel for the Senate I used to come over from the other chamber to see him. I regarded him as a personal friend and I could always benefit by my discussion with him. My honourable friend from Vancouver South was not very generous to Mr. O'Connor. He said that Mr. O'Connor had pet theories. Well, most specialists have.

Hon. Mr. Farris: Was that ungenerous?

Hon. Mr. Kinley: Most specialists stand out in front, ahead of the general trend of affairs. Mr. O'Connor, in my opinion, was, not an extremist, but an extremely well informed man.

Nobody in this house can make more out of the facts in a case than the honourable senator from Vancouver South. He said he came to the conclusion that he should vote for the bill, not because of its virtue but because of public opinion. I should say that he came to a good conclusion, but as a practical man I was surprised that he came to it in such a peculiar way. Everybody in Canada, I am sure, senses the great change that has taken place in public opinion in this country, especially over the last few years. Public