before the statute is enacted to permit the public to give consideration, both as to the question whether the abolition of the appeal to the privy council should take place and to the constitution and powers of the court that may replace it, and also to the effect which the abolition may have upon provincial and minority rights.

2. If, as and when the appeal should be abolished, it is the opinion of this association as at present advised:

(a) That the supreme court should consist of nine judges.

(b) That a quorum of the court should be five judges.

(c) That it should sit always with an odd number of judges present.

(d) That there should be no change in the present practice of the court, under which each member is free to give reasons for his judgment.

(e) That the court should continue to sit at Ottawa only.

(f) That the salaries of the judges of the court should be substantially increased so as to make such salaries commensurate with the responsibilities of the office, with an appropriate additional amount to the chief justice.

(g) 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.

This is the resolution which was adopted by the Canadian Bar Association. I point out again that it is no more than the resolution of an association made up of members of a profession of which, of course, the Prime Minister and the Minister of Justice are members. Many of the members of this organization are called upon to deal with constitutional and legal problems.

Some of the points put forward in this recommendation are incorporated in this bill, such as the number of judges, and matters of the kind. I believe the Prime Minister and the Minister of Justice will agree that those present at the meeting of the Canadian Bar Association were highly qualified Canadian lawyers, many of them top-ranking experts in constitutional law. It will be seen that they placed emphasis on two things. The first is that sufficient time be given before the bill is enacted to permit the public to give consideration to the question whether abolition of appeals to the privy council should take place, and—I should like to emphasize these words—"to the constitution and powers of the court that may replace it, and also to the effect which the abolition may have upon provincial and minority rights".

In the last subparagraph of paragraph 2 there is the recommendation 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. The recommendation of this annual meeting of senior members of the legal profession is not something new; it is not something that has been stated for the first time. Similar views have been expressed in this chamber at various times when the subject of amendment of our constitution and related matters were under consideration.

Yesterday we listened to an illuminating exposition of some of the problems presented by this part of the speech from the throne. It was pointed out that the problems related to amendment of the constitution had been under consideration here, and it was one subject upon which Mr. King and Mr. Bennett were in agreement at a time when they sat on opposite sides of this house. In discussing amendments to the constitution, Mr. Bennett used these words—I quote from *Hansard* of 1937, page 2595:

—we can accomplish it more quickly, and more in accordance with our democratic institutions, if we hold a convention representing the provinces and the dominion and all shades of political opinion. There could then be presented to this parliament a petition which could be passed through the Commons and the Senate after the legislatures of the provinces have dealt with it.

It was about that very proposal that Mr. King indicated that he thought this would be the ideal procedure. It may be suggested that the subject under discussion then did not cover as wide a field as that now under review. That is correct, but the fact that we have under consideration, as a result of the statements in the speech from the throne, a much wider field, seems to me to be all the greater reason why we should take steps which would avoid any conflicts or misunderstandings which in the future might weaken the feeling of confidence and mutual good will which has been the great achievement of this constitution during the eighty-two years since confederation.

Something more is involved than the question of appeals to the Supreme Court of Canada. Before the provincial governments are told how their constitutional position will be interpreted it would seem highly desirable that they be consulted as to the procedure by which this will be done, as to the kind of tribunal which would meet their desires, and as to the authority of that tribunal to interpret the constitution.

In the very last subparagraph of paragraph 2 the Canadian Bar Association refers to a matter which is giving a great deal of concern to those who are thinking about this proposal. We must recognize that this is not a subject which can be fully understood without some knowledge of our constitutional structure and the constitutional problem. One question of great importance is this: What is to happen to the decisions which have been made during the past eighty-two years by the privy council and by the Supreme Court of Canada in interpreting our constitution? This is not some-