home of the late John S. Ewart. I desire to pay a tribute to the pioneer work which he performed in the advocacy of constitutional reform.

I wish to join with the Minister of Justice (Mr. Lapointe) and the hon. member for Selkirk (Mr. Thorson) in congratulating the hon. member for St. Lawrence-St. George (Mr. Cahan), upon introducing this measure, and, if I may, upon his able presentation. He is in years one of the older members of the house, but in spirit he is one of the most vigorous and most youthful. I find myself in hearty agreement with my fellow citizen the hon. member for Selkirk. I trust that his eloquent appeal for a true Canadianism will re-echo across Canada. I should also express my appreciation of the advanced stand taken by the Minister of Justice in declaring that the dominion has exclusive appellate jurisdiction—if I caught his words aright, "paramount powers of doing away with all appeals." But I confess that I cannot understand the hesitation of the Minister of Justice to proceed at once to enact legislation which would accomplish what I believe a vast majority of Canadians would hail with satisfaction. The hon. member for Selkirk put the situation graphically when he said that we are wallowing in a constitutional morass. The Minister of Justice agrees, but he takes the position in effect, "Let us wallow for a while longer."

Before the Minister of Justice spoke, I had intended to express regret at the limitations of the scope of the bill as contained in such terms as "in so far as the same are part of the law of the Dominion of Canada" and "within the competence of the parliament of Canada." But I am glad that the hon. member for St. Lawrence-St. George is willing to accept an amendment in harmony with the position taken by the Minister of Justice.

It is not my purpose to attempt an original argument in favour of the bill. Rather I content myself with the more humble task of presenting some paragraphs written by others which have appealed to me and which may be of service to lay members of the house and to the general public.

In my judgment, the best summary of the situation is contained in the brief of the League for Social Reconstruction, submitted recently to the royal commission on dominion-provincial relations. I quote:

> As a result of seventy years of judicial interpretation, the dominion parliament finds itself shorn of its general residuary powers, except on occasions of national calamity greater than the world crisis of 1929-35, shorn of much of its power to regulate trade and commerce, shorn of a great part of its power to implement treaties, and almost totally incapable of providing for the masses of Canadian population that protection against the national evils of unemployment, fluctuating wage and price levels, and social insecurity which is being increasingly demanded to-day. People in need have been forced to look to the provinces for help; the provinces in their turn are incapable of giving it in adequate measure.

Another summary which appeals at least to a layman is contained in the brief presented to the commission by the Native Sons of Canada, prepared by J. B. Coyne, A.R.M. Lower, and R. O. MacFarlane. Speaking of the members of the privy council, the brief states, at page 23:

> Its members have been held up as great imperial statesmen. But one of the anomalies of our history is that while the constitutional position of the dominion has constantly been growing larger vis-a-vis the imperial government, yet almost in equal proportion and at the same time, it has at the hands of the privy council been growing smaller vis-a-vis the provinces, and less able in consequence to fill its enlarging national role . . .

A little later:

> But the privy council has been unwilling to learn except in a most superficial way, the circumstances in which and out of which the enactment of the British North America Act arose, rejecting the history of the Charlottetown and Quebec conferences, the parliamentary debates that show the purpose and intention, the use made of the United States constitution as an example, the degree in which it was adopted, extended or rejected, and the negotiations in London. It has made no reference to them save in isolated cases where such reference served its temporary purpose. It is unfamiliar with subsequent change and present conditions in Canada, physical, economic, social and psychological. . . .

A little later on:

> . . . the privy council has remade the British North America Act and fashioned it into something entirely different from and contrary to that intended by the fathers of confederation and clearly expressed in its terms; that just what the privy council has made it into is almost impossible to discover because of contradictions, inconsistencies and confusions in and between its various decisions; that nearly all the defects found in the constitution as now interpreted have been put there by the privy council and that most of such defects do not inherently belong. It is not alone the actual decisions; where the privy council may be right in the result, it has said so much that is wrong.

The Australian experience has been similar to that which we have had in Canada. The hon. member for St. Lawrence-St. George has already quoted Mr. Hughes, the Australian Prime Minister who spoke at the imperial