

this should be done in view of the decision of Chief Justice Greenshields and another judge referred to by the hon. member for Lake Centre.

It should be provided that such judges shall take notice of and be bound by the then last decision or judgment of the judicial committee of the provincial, or other court of final appeal, rendered by such court upon or with respect to such application of law. This amendment would apply to all provinces of Canada. Federal authority should be paramount and supreme, because all judges are under this act. One of the cardinal principles of the British constitution is that the courts are subservient to the legislature. It is well known that in other countries when decisions are given judges follow them as being authoritative until they have been upset. During the recess of parliament the minister should consider this matter with a view to submitting the case to the supreme court.

Right Hon. L. S. ST. LAURENT (Minister of Justice): Mr. Speaker, I would not undertake to recommend to His Excellency that this matter be submitted to the supreme court for an opinion, because it is one about which I entertain no doubt at all. I could not take the responsibility of recommending that the time of the court be taken up to pass upon a matter upon which there appears to me to be no doubt whatsoever. The doctrine of *stare decisis* may be the doctrine of the common law which it has been developed by the decisions of the courts, but it is not the doctrine of the civil law of the province of Quebec. I am sorry to have to differ with the hon. member for Broadview on this matter, but I have some responsibility when I undertake to recommend a reference and I could not recommend that this question be referred to the court.

Mr. CHURCH: Mr. Speaker, may I say to the right hon. gentleman that there has been a rule in this house long before I came here, in fact ever since confederation—

Mr. SPEAKER: Order.

Mr. CHURCH: I moved the adjournment of the debate to aid in giving the whole hour for government business, at the minister's request. I am only continuing the second reading of the bill and I have not finished. I shall not take up the time of the house because there is more important business to be done, but I want to say that since confederation it has been a rule that the Minister of Justice, who is Attorney General, should

not give a legal opinion in this house and the minister has violated that rule by giving an opinion.

Mr. SPEAKER: Order. The hon. member has no right to speak twice on the second reading of a bill. Second, he knows that the motion for the adjournment of the debate is not debatable.

Mr. CHURCH: With all due deference to Your Honour I am continuing the debate on the second reading of the bill. This bill was called.

Mr. SPEAKER: The hon. member spoke on the bill and he resumed his seat, and then the right hon. Minister of Justice answered the hon. member. The hon. member knows perfectly well that he cannot speak twice on the bill.

Mr. CHURCH: I moved the second reading of this bill and I moved the adjournment of the debate, only to let the government have my time. The hour for private and public bills was called.

Mr. SPEAKER: According to the rules of the house, a motion for adjournment is not debatable.

Mr. CHURCH: The bill is debatable under the guarantee I had. The minister has given an illegal opinion and he has no right to give any such opinion. It is an intimidation of the judges.

Mr. SPEAKER: The list of private and public bills having been exhausted, the house will resume the consideration of the business it was considering at six o'clock.

#### FEDERAL DISTRICT COMMISSION

##### PROVISION FOR ADDITIONAL COMMISSIONERS, TRANSFER OF CERTAIN JURISDICTION AND GRANTING OF MONEY

The house resumed consideration of the motion of Mr. St. Laurent for the second reading of bill No. 357, to amend the Federal District Commission Act.

Mr. BURTON: Mr. Speaker, when the house took recess at six o'clock I was trying to indicate to the government what I would have to tell the people of my constituency when I got home, I hope in a few weeks, should this bill carry. A few days ago the hon. member for Nanaimo (Mr. Pearkes) raised a question in the house about the hideous noise created by the federal district commission engineers or workmen when tearing up the cement on confederation square. A short time ago a school in my constituency