

*Supreme Court Act*

our own accord cannot be said to be a badge of colonialism.

Finally I just want to emphasize again the fact that in voting for the six months hoist, as I intend to when the vote is called, there is no suggestion of lack of confidence in the present supreme court within the realm of the duties for which they have been appointed; nor is there any suggestion of lack of confidence in our ability to set up a supreme court which may be a court of final jurisdiction. But I believe that there is a lack of confidence in various quarters of Canada or lack of certainty that the court as now constituted,—and I refer not to the personnel of the court but to the constitution of the court as such,—will, without anything further, command that confidence which we all want to see it command, when it is created, as it should be, a court of final jurisdiction.

**Mr. Cruickshank:** I did not want to interrupt the hon. member when he was speaking but I should like to ask him a question.

**The Acting Speaker:** Order.

**Mr. Cruickshank:** I am only asking a question. It is this. Can the hon. member who has just spoken tell me one municipality or one city which agrees that we should not abolish the appeal to the privy council? He brought the municipalities into it. I would ask him to tell me one municipality.

**Mr. Fulton:** I do not believe I mentioned any cities or towns. I do not know of any that expressed an opinion.

**Mr. Cruickshank:** The hon. member mentioned municipalities and he mentioned British Columbia.

**Mr. Fulton:** I do not believe they have been consulted.

**Mr. Daniel McIvor (Fort William):** I should like to take this opportunity, Mr. Speaker, to make a few brief comments. To those of us who were born in the old land and got our start there, breaking the tie with the old land causes us to think. I do not think lightly in any way of the great benefits that have come to Canada from the people of Great Britain. I would say that the tie that binds us to the old land is stronger than a legal tie. It is the tie of the home, and the affection of a mother.

I must admit, as I sat on the other side of the house ten or twelve years ago listening to the Hon. C. H. Cahan, a former cabinet minister and an outstanding legal gentleman, I heard him say with great enthusiasm that Canada's connection with the privy council of Great Britain should be abolished. At that time I was rooming with a bright legal mind and we talked this thing over. During

those years I came to my own conclusion. I am not a lawyer but on many occasions I have been thankful for the advice that these bright minds have been able to give to me and keep me out of difficulties.

The reasons why I am going to support the motion are three. They are very plain and they are clear to me. The first is, as was stated by some others, it would cost too much. I know an hon. member from Toronto said that he had a case appealed to the privy council. Well, that was all right if the city of Toronto was paying the bill. But suppose it was a farmer who had a car of cattle. He sold the cattle to a packing house and something went wrong, and he had to go to court. Suppose the case was appealed to the privy council. What farmer in Canada or anywhere else could pay a corporation lawyer's fee to go over to England to fight his case? He simply could not do it; it would cost too much. That is the first thing that the common people of Canada think a good deal about.

The second thing is, it is too slow to take a case to the privy council. I should like to ask the Minister of Justice (Mr. Garson) the history of some of those cases. They do not take three months or six months but several years, and the costs pile up all the time. We in Canada like to have a thing done. We like to get through it, win or lose, get back and settle down to business. Therefore I say that one of the outstanding arguments against appeals to the privy council from our Canadian courts is that they are too slow. We want action.

My third argument is this. Those of us who took quite a while to get through our courses know that our universities are thorough. They give a thorough training. I do not know much about our law schools except from the men who have come through them. I know that our law schools have been pretty thorough in training our young lawyers, and we have outstanding examples of that on all sides of the house. We know that the men are well trained. I have reason to think that the jurists of Canada need not take second place to the jurists of any country in the world, even Great Britain. Therefore I say that it is a slight to our jurists of Canada to have to send our cases across to the privy council. Our jurists understand Canadian life and are more familiar with it than the British jurists, who perhaps have never been out of the old land in their lives. We have a peculiar life in Canada. It is all our own. It is a blending of all the nationalities of the world, you might say, and we think we are the cream of the world and we are the best in the world. Therefore I say that it is a mistake to send our appeals to the privy council. These three reasons stand out, Mr.