

*Supreme Court Act*

thing has relationship to these terrifying advances of science which increase the power of destruction.

This is only natural. When we are told that Russia has discovered the secret of atomic power, and has actually carried that knowledge to the point of creating atomic explosions, there is a tendency to reduce all our thinking to the importance of these overpowering events. The fact is that man has gone through the centuries hearing of new dangers, learning of new means of destruction which seemed to be so terrifying that it did not appear worth while to carry on ordinary day by day occupations. Going back to the time when gunpowder was discovered, one can read almost as ominous predictions as one reads today in relation to what may happen as a result of nuclear fission. Recalling these various stages in the history of man's struggle we recognize how each new development brought new concern for the future. In the first world war the launching of the gas attack in April, 1915, caused people to wonder whether it would be possible to meet the terrible consequences of these discoveries of science. But with each of these developments men and women throughout the world are challenged to use, to a greater extent than ever, their intelligence and their powers of co-operation and association for high purposes. No matter what dramatic international events may occur, each nation should be extremely careful to retain the strength of its own internal structure. And when these powerful forces are associated with the danger of aggression against our free system, we should be doubly conscious of the need of strengthening that system to the utmost extent of our intelligence and ability, and in the light of a full understanding of the history of our own country.

Therefore no matter what occurs beyond the boundaries of Canada, a great contribution to the combined strength of the free nations, as well as to our own domestic stability and happiness, will be to remember the lessons of the past and to take no step which might reduce the safeguards we have set up for the preservation of the free system which has been developed and matured under our basic constitution.

No matter to what extent we may agree with the general purposes of the bill in its present form, it is extremely important that every member should examine carefully all its provisions. As was pointed out by the Minister of Justice (Mr. Garson) when he moved second reading of the bill, section 3, the effect of which is to terminate further appeals to the privy council, is the key provision of the proposed legislation.

[Mr. Drew.]

This is not the first time that the House of Commons has been called upon to discuss the abolition of appeals, or a limitation of the right of appeal, to the privy council. It is a long time since Sir John A. Macdonald was responsible for the introduction of legislation which limited the right of appeal to the privy council so far as criminal actions were concerned. I suggest that the history of that legislation in itself offers the strongest reasons why we should be most careful in dealing with this subject, no matter what our views may be as to the object of the bill now before us.

It will be recalled that there was an act of the parliament of Canada in 1887 which was found to be inadequate for the purposes intended. It was followed by another act in 1888, and it was many years afterwards before it was determined that there was any inadequacy in that statute. The history of that earlier legislation, for which Sir John A. Macdonald was responsible, suggests to us that in dealing with a matter which has been the subject of consideration since pre-confederation days we may well examine the full effect of any proposed legislation in this regard, no matter how strong our desire may be to carry out the object of this bill.

The bill does not affect only the right of appeal to the privy council by individuals and corporations in civil matters. If that alone were the effect, there might be little occasion to emphasize some of the considerations we should have in mind today. The effect of the bill would not only be to terminate the ordinary civil appeal to the privy council. It would also terminate the role of the privy council as the body which acts as the referee, if you will, between the different governments of Canada in determining their constitutional rights and responsibilities and the division of authority under the British North America Act. These two aspects of the position of the privy council are of great importance.

The Minister of Justice has pointed out that with the passing of this bill individuals or corporations who are litigants will not be confronted with the possibility of having to carry their litigation beyond Canada itself. But apart from the function of the privy council as an appeal tribunal in civic matters, affecting individuals or corporations, there is the immensely important place occupied by the privy council as an independent tribunal interpreting our constitution in cases where there is a difference of opinion between the dominion and provincial governments as to the effect of the constitution and as to some aspects of their rights and responsibilities or the respective fields of their administrative duties.