

*Supreme Court Act*

I was surprised that the hon. gentleman brought forth so many points in his attempt to show the subservience of our country to the United States. He stated that at one time Mr. Massey, the Canadian minister to Washington, had stated there would not be a common British front on international matters. Perhaps today, perhaps tomorrow, the interests of Canada might be much more in harmony with the interests of the United States than with the interests of Great Britain. I do not especially rejoice over that fact, but we have to face the facts as they are. My friend comes here talking about oranges and grapefruit in his attempt to show that Canada is subservient to the United States. I do not imagine that it was the fruit growers of California who influenced the Minister of Finance (Mr. Abbott) in lifting the ban on imports. If the minister was influenced by anyone, he was influenced by the people of Canada who felt their babies ought to have citrus fruits.

The measure now before us, Mr. Speaker, is intended to abolish appeals to the privy council. The adoption of the amendment by the leader of the opposition would have the effect of preventing this measure from being passed at this session of parliament. I readily admit that after the brilliant presentation of the Minister of Justice (Mr. Garson) and the unequivocal declaration of the Prime Minister, there remains but little that can be said as to the advisability or timeliness of the bill.

I am prompted, however, to delve into the matter because of the pleasure I feel in being given the opportunity to contribute to the freeing of our country from one more of its colonial links, even if it be in the humble way of casting my vote for this measure. I also feel I must speak on this question for somewhat sentimental reasons. I have, as no doubt all members have, a great fondness for my constituency and an interest in its history. This interest extends to the doings of my predecessors, the members for Bellechasse. It was the second gentleman after confederation who occupied the seat for Bellechasse in this house, the Hon. Telesphore Fournier, who sat from 1870 to 1875 who, as minister of justice in the Mackenzie cabinet, introduced the bill to establish a supreme court and a court of exchequer for the Dominion of Canada.

As the intent of any legislative measures can oftentimes be foreseen in the speech from the throne—although it is not always so, it sometimes is—it is not without interest

[Mr. Picard.]

to note that the bill had been described in the speech from the throne in 1875 as “essential to our system of jurisprudence and to the settlement of constitutional questions”. It can be readily established thereby that from the very day of its inception the court was rightly intended to study and settle constitutional questions arising in the country, whether brought to the court by private citizens or by the constituted government, whether federal or provincial.

When considering a constitutional question such as that of the supreme court and that of amendments to the constitution, I have made it a practice to consult the documents of the past and to look into the reports of the discussions that took place among the fathers of confederation. The debates of 1875—and my friend the hon. member for Temiscouata (Mr. Pouliot) ably dealt with that point but I shall touch on it again—provide us with an enlightening outlook on the feeling of the house at the time. Prior to the introduction of that bill by the Hon. Telesphore Fournier, the former Prime Minister Sir John A. Macdonald had twice introduced—in 1869 and 1870—and later withdrawn bills for the establishment of a Supreme Court of Canada. When presenting his bill, Fournier—as my friend the hon. member for Temiscouata pointed out—went as far as asking for an amendment that might bring about the abolition of appeals to the privy council, but he outlined one of the aims of the new court as being that of arbiter.

... which would settle the extent of the powers of local legislatures when these powers were in dispute.

He also stated:

The bill has for its sole object the harmonious workings of our young constitution.

Fournier was less fearful in 1875 than some people in my province pretend to be in 1949 as to the fitness of a Canadian court of last appeal to settle the extent of the powers of local legislatures, and he was right then as we are right now in taking the same stand.

When proposing his amendment the leader of the opposition (Mr. Drew) stressed the fact that there was no urgency for this bill, just as my hon. friend said, with reference to the atom bomb, that we should wait for another period of time. The Canadian people have considered the question long enough, and I think the time has come for us to cast a vote in favour of ending what Sir John A. Macdonald described as one of the last golden links of colonialism.

In 1870 Sir John A. Macdonald, when proposing the establishment of a supreme court,