feel that this nation can and should at this time provide the kind of great national institution that will be able to perform the important function of determining, whenever there is any clash of interest, on which side is the right and on which side is the wrong, will I believe support the move that is now made to have that kind of court created and to have it function here in Canada.

There seems to be a suggestion that it would be something extraordinary to talk of any kind of amendment that could affect the constitutional organization of the central power. But hon. members know that from the origin of the act the provincial legislatures have had that right, as expressed in subsection 1 of section 92 of the act:

> In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated; that is to say,—
>
> 1. The amendment from time to time, notwithstanding anything in this act, of the constitution of the province, except as regards the office of lieutenant governor.

From time to time modifications have been made in provincial constitutions by those who had the authority and were concerned about them, and no one else was consulted or had to be consulted. What is forecast in the speech from the throne is that there will be an application to the parliament at Westminster to say that such amendments to the Canadian constitution as do not affect the jurisdiction of the provinces, or the rights or privileges secured to the provinces, or the minority rights I referred to previously, can be made here in this parliament instead of being made in the parliament at Westminster on motions or addresses adopted by this parliament. That is the only purpose and effect of the measure forecast in the speech from the throne. But that measure would leave to the courts the responsibility and the burden of deciding what is within provincial jurisdiction or constitutes a provincial right and what is of concern only to the federal authority and their decisions will be binding as they have been in the past.

As to the resolution adopted by the Canadian Bar Association, I think it is worthy of great respect because I believe that all those who attend such a meeting, as do those who attend meetings of other professional bodies, attempt to act objectively and to give their fellow citizens the benefit of the best kind of opinion and advice they can tender. I think perhaps the most important provision of this resolution is that when the appeal to the privy council is abolished, provision should be made that the court consist of nine judges; and there are various organizational provisions that are contained in the legislation now submitted to this house. But subparagraph (g) of the resolution reads as follows:

> That the rule of *stare decisis* ought to continue to be applied with respect to past decisions of the court, as well as with respect to past decisions of the judicial committee.

That is something with which I entirely agree. I think it is a part of the system of the administration of justice in British countries that the decisions are regarded as binding upon themselves and upon all courts of lower jurisdiction, until they are modified or set aside by legislative action. I think that forms part of the duties which a lawyer promoted to the bench promises on his oath to carry out. On his oath he promises to apply the law until such time, if any, as a legislature interferes with it. I would imagine that Canadian judges, sworn to apply and uphold the law, would be as faithful to their oaths of office as are hon. gentlemen called to sit as members of the judicial committee of the privy council in London. I believe that to be the case. If I did not, I would be opposed to this bill. But because I believe it to be the case, I have as firm confidence in a judicial body set up and operated in Canada and composed of my fellow Canadian citizens as I would have in a similar body set up and operating in any other country in the world.

Some suggestion has been made that constitutional cases should not go to the court of last resort. Why? It has been suggested that there should not be political controversy around the decisions of the courts. There should not be political controversies around the decisions of a court of last resort because such controversies would be quite futile unless, as might happen in some cases, they are directed to the obtaining of a legislative amendment of what has been declared by the judgment to be the existing law. But there is no other way to get a judicial pronouncement—and that is what is wanted in cases of dispute—than to have it made by a court of justice.

When our constitution was enacted, it was provided in express terms by section 96 of the British North America Act that:

> The governor general shall appoint the judges of the superior, district, and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

Then section 101 provides:

> The parliament of Canada may, notwithstanding anything in this act, from time to time, provide for the constitution, maintenance, and organization of a general court of appeal for Canada.

That system has been operating for something over eighty years. I do not think there is any country in the world in which there is greater respect for the courts of justice,