

Supreme Court Act

any doubt about that. As we are all going to be here for quite a while, I am asking the minister in all sincerity why this matter cannot stand. The debate has not been a long one. We have been on it for a matter of only a couple of days. I would ask why we cannot just let this matter stand. To do what, I may be asked. I reply: First, in order to permit cloudy-minded members like me to make up their minds on that one important point. Second, to permit the bar association and its council to study the matter. As the minister well knows, they are not self-seeking people. They are people who are seeking in this manner to do the best they can for the Dominion of Canada. With the greatest respect and deference, Mr. Speaker, I am suggesting that the government do it in their own way. I say: Never mind the six months hoist. Do it your own way. You have the bill in your possession and have control of it. Get rid of all this criticism there might be if a six months hoist amendment passes. Let this thing stand. We have one hundred new members in this house; and, except for those who belong to this profession, I greatly doubt if any of them have ever before considered this matter in their lives. Why not let it go until next February, when we shall be back, in that way giving the Canadian bar a chance to make their views known? The government will lose nothing in prestige. I think we will solidify opinion along the way that I indicate, and that is along the way of abolition. But we will do it with practically a unanimous house. To me it seems a terrible thing that we who are so close together as we are, thinking together as we are, should come to an unfortunate disagreement or division, if you like. I think it would be a tragedy, because I credit every member of this House of Commons with the desire to do his best with this subject for the people who sent him here and for the people of the Dominion of Canada as a whole.

(Translation):

Mr. Wilfrid LaCroix (Quebec-Montmorency): Mr. Speaker, I have only a few remarks to make and I shall be as brief as possible.

On June 6 last, at a memorable meeting held at St. Roch, the Prime Minister (Mr. St. Laurent), speaking about the Canadian flag and the abolition of appeals to the privy council, stated the following:

The more such actions we take to assert our national independence, the sooner we shall achieve this absolute independence which we desire.

Needless to say, Mr. Speaker, I entirely share this view of the Prime Minister and I

shall be pleased to vote in favour of the principle expounded during the debate on the second reading of the bill now before the house. This being said, I think it is our duty as members of the House of Commons, representing the people and the views of our provinces and our constituencies, to give careful consideration to the circumstances to be determined when we shall establish the Supreme Court of Canada.

I recently read in the September 19 issue of a Quebec city newspaper, *L'Événement*, the following comments on the bill introduced by the government:

For that purpose, as everyone knows, the government will introduce a bill whereby the Supreme Court of Canada will become the final court in this country. The principle of that bill could hardly give rise to objections. Indeed no one can see why an outside court—the judicial committee of the privy council in London—should be called upon to solve the juridical problems of Canada. It all depends on the composition of the supreme court. Nowadays its members are appointed by the central authority. Without their scrupulous honesty being questioned in the least, it may be thought that they are naturally prone to decide in favour of federal arguments when these run counter to others. That is what Mr. Maurice Duplessis has already stated, and it must be admitted that his views are justified in that respect.

And that is an excerpt from a Liberal newspaper, published in Quebec city by a Liberal senator who is the owner.

Mr. Speaker, I believe it my duty to make a few suggestions to the government concerning this matter.

I note that section 4 of the bill reads as follows:

The supreme court shall consist of a chief justice to be called the Chief Justice of Canada, and eight puisne judges, who shall be appointed by the governor in council by letters patent under the great seal.

I wonder if it would be possible to have four of those judges appointed by the Canadian government from a list submitted to it by the lieutenant governors of the provinces. I do not specifically mention the province of Quebec but the lieutenant governors of the provinces.

As we have not yet reached the stage where each section is examined, the object of that suggestion is not that the provinces may themselves appoint the supreme court judges. I understand the problem which exists and which is as follows: the lieutenant governors in council cannot appoint the judges of the supreme court. This authority is vested in the federal government. Any change in this would call for an amendment to the constitution, that is to the British North America Act, 1867, which provides specifically that