

THE SENATE

Monday, October 31, 1949

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

BRITISH NORTH AMERICA ACT AMENDMENT

ADDRESS TO HIS MAJESTY—NOTICE OF
SUBSTITUTE MOTION

Hon. Wishart McL. Robertson: Honourable senators, when the Prime Minister gave notice of a motion that an Address be sent to His Majesty the King requesting the Parliament of the United Kingdom to amend the British North America Act so as to permit the amendment of the Canadian constitution in Canada, I also gave notice of a similar motion in this house. During the debate on this motion in the other place certain amendments were introduced and adopted. The result is that the Address as passed in the other place is different in form from the one which was introduced there, and also different from the one of which I gave notice in this house. It is therefore my intention, with leave of the Senate, to withdraw my original notice of motion tonight, and to give notice of a substitute motion conforming to the amendments that were adopted in the other place.

Honourable senators, with leave of the Senate I would move to withdraw this notice of motion.

The motion was agreed to, and the notice was withdrawn.

PENSION FUND SOCIETIES BILL

FIRST READING

Hon. Mr. Robertson presented Bill V-4 an Act to amend the Pension Fund Societies Act.

The bill was read the first time.

PRESS REPORT

PRIVILEGE—CORRECTION

On the Orders of the Day:

Hon. W. A. Buchanan: Honourable senators, before the Orders of the Day are proceeded with, I rise to a question of privilege. I feel that I should make an explanation to honourable senators. After last Thursday's sitting of the Senate I was called by the Chief of the Canadian Press parliamentary reporters with respect to the complaint made by the honourable senator from Thunder Bay (Hon. Mr. Paterson) about a press report that appeared in the *Ottawa Citizen* of that day. This complaint had to do with certain remarks

made in the other place and which were carried in the newspaper article. In fairness to the Canadian Press I want to explain to honourable senators that that organization was in no way responsible for the report that appeared in any of the newspapers across Canada. When the representative of the Canadian Press came to see me I asked him, "Did you send this report out to any of the newspapers in Canada?" and he replied that he had not done so. I then asked him why he had not, and he replied, "We considered it too trivial".

The reason I am bringing this matter before the house at this time is that the responsibility was placed on the Canadian Press. My colleague from Thunder Bay (Hon. Mr. Paterson), when bringing the incident to the attention of the Senate, said:

I am informed that this article was despatched clear across Canada by the Canadian Press.

The news story was not sent to any of the member newspapers of the Canadian Press, and it reached the Ottawa newspaper from some other source.

Hon. Mr. Farris: Who is responsible for it?

SUPREME COURT BILL

SECOND READING

The Senate resumed from Thursday, October 27, the adjourned debate on the motion of Hon. Mr. Robertson for the second reading of Bill 2, an Act to amend the Supreme Court Act.

Hon. Arthur W. Roebuck: Honourable senators, as this measure closely affects the honourable profession to which I belong and is to some extent within my range of experience, I feel that I should say something about it. I also feel it my duty to make my position in connection with the matter amply clear. The purpose of this bill, to use its own words, is to give the Supreme Court of Canada "exclusive ultimate appellate civil and criminal jurisdiction within and for Canada," and to make the judgment of the court in all cases "final and conclusive", saving of course only those appeals from litigation already in progress.

As we all know, the effect of the bill is to abolish appeals to the Judicial Committee of the Privy Council in all future Canadian litigation, and, in consequence, to throw upon the shoulders of our own Supreme Court of Canada the duty of finally deciding Canadian cases, and of interpreting the law, including the Canadian Constitution, as it applies to Canada.

Now that is a very important step in the development of Canadian self-government, and one which I suspect the historians of the future will note with some pride. Of course,