quite likely to be the mistaken ones. And in all these cases it was a question of vested right against the public weal.

"We confess that these cases, coming within a couple of years, shake your idea of the desirability of the opinion of going to the privy council. We believe Canadian judges to be of as high a standard of honour as English judges and to be as judicial in their frame of mind . . .

"At all events, the fact is decidedly discomforting that in law suits affecting three great public contracts in Canada, all of which are governed by Canadian law, all the judicial decisions in Canada should have been in favour of the public and all the decisions of the imperial privy council in favour of the private corporations."

In closing, I should like to emphasize what I said before, namely that, to my mind, the argument which I make, and which is based upon the spirit of sovereignty of the Canadian people, is irrefutable, and that the bill should receive the favourable consideration and approval of this house. I think it will play its part in unifying the Canadian people, and if so it will make a stronger Canada. There is no question about the bonds which connect us with the empire and commonwealth, and a stronger Canada will ultimately be reflected in a stronger British commonwealth of nations.

Mr. T. L. CHURCH (Broadview): Mr. Speaker, I rise to oppose the proposal set out in Bill No. 154, to amend the Supreme Court Act. There is considerable opposition to this measure, which is based upon a policy contrary to the views held by several of the provinces, which believe that we should have a judicial body such as the privy council to decide questions of jurisdiction as between the provinces and the dominion. These matters have come up in the courts for many years, and in my opinion the privy council seems to be one court where litigants can get justice.

The proposal is founded on a statute which is called the Statute of Westminster. That was one of the most unfortunate statutes ever passed; it was nothing but an empire-wrecking affair. The Statute of Westminster has been construed by the privy council, and were it not for that statute we would not have the right to bring in legislation to abolish appeals to that body. This bill consists of two clauses. The Supreme Court of Canada was constituted by this parliament with certain judicial powers. Under the Supreme Court Act the Minister of Justice has certain powers. That court was found necessary, and it is still necessary to have such a court in a country like Canada with divergent views on many matters coming under sections 91 and 92 of the British North America Act. On the whole, that court has given very good satisfaction.



The province of Ontario is opposed to this proposal, because it believes that the privy council should remain as the great guardian of the rights of both the provinces and the dominion. Under the British North America Act the rights of minorities are guaranteed, and the right to use the French language is also guaranteed. That guarantee would be removed if this legislation were passed. They had an experience like this in the United States at the time Louisiana was purchased; there was a treaty with France. What happened? One of the new governors, Huey Long, came along and took it away from them.

From the time of its inception, the privy council has been the great defender of the rights of minorities in this country; because minorities have rights, the same as majorities. It has been a blessing that we have had this provision. Decisions of the privy council have been most valuable to the unity of this country. One should first look at the Supreme Court Act, and then at the Statute of Westminster; he should read the two together in order to have a clear understanding of this judgment of the privy council.

In 1935, Mr. Cahan, who was then the member for St. Lawrence-St. George, introduced a resolution, because he was not satisfied with some decision the court had given in a case with which he had been connected, although that may not have been the main reason. He was not satisfied with a judicial decision which had been given, and wanted to have the court abolished. That might be an unpopular thing to do, because some people in this country would like also to abolish the high court of parliament, the highest court in our land. In fact they would like to see us abolished, too.

It will be noted that on January 13, 1947, the judicial committee of the privy council decided that the dominion parliament may, in the exercise of the wide amplitude of power conferred by section 101 of the British North America Act, vest the Supreme Court of Canada with final and exclusive civil and appellate jurisdiction within and for Canada. This is found in the explanatory note. It states:

. . . and may accordingly deny any appeal to His Majesty in council either from the supreme court or from any provincial court and regardless of whether the matter in question is within the exclusive legislative authority of the dominion or of the provincial legislatures.

The purpose of the present bill is to give effect to the decision of the privy council mentioned above—

That is the decision of December 13, 1947.

—and also to a previous decision respecting appeals in criminal matters viz: British Coal Corporation v. The King in 1935.