So we might find that in the very first case to come before the Supreme Court of Canada they would place an interpretation upon the constitution very different from the interpretations which have been placed upon it by the privy council. So almost directly, and certainly indirectly, we are providing machinery to amend the constitution. A moment ago I said I would make my address without appealing to prejudice, so I shall try to use reasoned words. I say it is unwise to proceed with this bill at the present time, before holding the conference forecast in the speech from the throne and giving the provinces an opportunity to put forward their views as to what should be the constitution of this court which we are making the court of final appeal, so it will have their confidence and the confidence of the people of Canada—as we on this side, as much as those on the other side, want it to have—as a court competent to have final jurisdiction in constitutional questions.

Some may say that I am drawing a long bow, that it is pretty far-fetched to suggest that, the day after this bill passed, the supreme court might place an altogether different interpretation upon the constitution. Well, here we are passing laws, and I think we have to examine all the possibilities if those laws go into effect. That is a possibility. Certainly that is so in view of the statement by the chief justice on June 2 of this year, to which reference has been made already in this debate, in which he is reported as having said that the supreme court is not now bound by the decisions of the privy council, and particularly that we should not be bound by the decisions of a court which, as he said, is four thousand miles from here, where they have not the same mentality. Certainly I think it is within the bounds of possibility that almost immediately a completely different interpretation will begin to be placed upon the constitution, once this law becomes effective, unless the legislation contains some safeguard against that possibility.

Another reason for saying that this is a constitutional change which should not be proceeded with at the present time, or until the other constitutional procedures have been worked out with the provinces, is that surely it is desirable to avoid anything which might destroy confidence in the court. The Supreme Court of Canada is the creation of the federal parliament alone. That being so, its constitution can be altered at will by a simple majority vote of this house. In the history of this country, as in other countries, majority votes have been taken as the result of appeals to prejudice and passion. I believe it is correct to say that in some instances those who have taken part in these majority votes have perhaps regretted their action, or it has shown that the action was unwise or taken in haste. That could happen again.

I repeat that our Supreme Court of Canada is the creation of the federal parliament. It is not a part of the constitution, as is the case with the Supreme Court of the United States. In that country the supreme court is provided for in the constitution, and a change in the framework of the supreme court there involves a constitutional amendment, with a two-thirds vote of the states and a two-thirds vote of both houses of congress. So a change in the composition of the Supreme Court of the United States is very difficult to achieve; yet it has taken place within our own generation, and the change has been made for purposes which cannot be said to be other than political. One does not wish to cast aspersions on the United States, but the simple fact is, as we recall, that the Supreme Court of the United States has been packed by the addition of judges in the hope that those judges would hold the same political views as the administration of the day and therefore would give decisions favourable to that administration. That has happened in the country to the south of us, although the change in the constitution of their court is so difficult. How much easier it would be, how much more possible for the same sort of thing to happen here, where the composition of the Supreme Court of Canada is not provided for in the constitution but in an act of the federal parliament.

If we look at it from that point of view, Mr. Speaker, we can see what we are being asked to do by the passage of this bill. We are being asked to set up a new framework within which our constitution can be amended. In the speech from the throne we find a further indication that amendments to the constitution will be suggested with respect to those things which are under federal jurisdiction, and that a conference will be called to discuss the means of amending the constitution with respect to those things which are not entirely the subject of federal jurisdiction. This certainly suggests that the government feels that it is quite proper that it should decide which fields of legislation are federal and which are provincial. If the government feels a certain thing is within the federal field, then it will amend the constitution by an act of the federal house. I believe that is the position taken by the Prime Minister.

We have a court which, by this bill, we are making the court of final jurisdiction; yet the constitution of this court can be amended by a vote of this house. What tremendous possibilities are open to the federal government to say something is a