

Supreme Court Act

years. Therefore it seems to me that we must make a final decision in the matter some time. Perhaps now is just as good a time as any to do the job. Surely it cannot be argued that Canada has not reached the age of responsibility. If we have not, then I doubt very much whether we ever shall.

That being the case, I feel that the bill should not be hoisted, but that a final decision should be reached by logical reasoning after debate, and after every argument that can be adduced before this assembly has been brought forward and considered.

Many good reasons can be cited to support the contention that appeals from the Canadian courts to the judicial committee of the privy council should be abolished now. Indeed, I think the Minister of Justice (Mr. Garson) listed a number of them in his speech when he introduced the bill. I cannot find myself in disagreement with any that he put before the house. I can think of no really important reasons why the step should not be taken at least within a matter of the next few months. If the passage of Bill No. 2 becomes the first step towards the early adoption of a suitable procedure for constitutional amendment within Canada, a procedure that is acceptable to the provinces as well as to the dominion, then we of the Social Credit party welcome the bill.

A clear-cut formula for constitutional amendment would certainly remove a great deal of confusion as well as a number of causes of friction between the federal and provincial governments. Nevertheless, I believe that the bill could have been introduced by the government at a more propitious time, a time better calculated to inspire confidence and good will between the various governments of the country. I do not mean to imply by that statement that I believe the bill should be hoisted, as suggested in the amendment.

The Prime Minister (Mr. St. Laurent) has already consulted the premiers of the various provinces as to a dominion-provincial conference. That conference is to consider ways and means of deciding on a procedure for constitutional amendment, and for the allocation of responsibilities between the provincial and dominion governments. That being the case, it seems to me that the provinces would have felt much more confident had the conference been held first, the procedure arrived at, and then the bill brought in. Then they certainly would have had something definite and tangible to take the place of what exists now.

That is my only criticism. Perhaps the Minister of Justice or the Prime Minister may have something to say at a later time which will relieve the fears of at least some

of the provinces that they might possibly be left without a definite procedure in which they could have complete confidence, a procedure for the amendment of the constitution when that becomes necessary as the result of dispute on any point. Apart from that, I cannot think of any cogent reason why the bill should not pass now, and I propose to support it.

Mr. T. L. Church (Broadview): Mr. Speaker, may I say that if I had known one of my colleagues was going away I would have given way to him very gladly, but I did not know anything about it. I may say that a private bill, somewhat similar, was introduced in the sessions of the house in the past four years, and I occupied some time of the house discussing the matter because I did not believe in the principle of the bill.

As to the bill now before the house, the procedure on second reading of a bill, according to the British and Canadian practice, is laid down in Beauchesne's Parliamentary Rules and Forms, page 228, section 656, which reads as follows:

The second reading of a bill is that stage when it is proper to enter into a discussion and propose a motion relative to the principle of the measure.

Section 657 states:

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the bill, or expressing opinions as to any circumstances connected with its introduction, or prosecution; or otherwise opposed to its progress; or seeking further information in relation to the bill by committees...

And so on. Therefore under the rules of this house and under British practice the proper place to discuss the question of the principle of a bill is on second reading. The following is stated in the thirteenth edition of May's Parliamentary Practice, at page 709:

The second reading of a private bill corresponds with the same stage in other bills, and in agreeing to it the house affirms the general principle, or expediency, of the measure.

I believe that is our practice, and that if we approve of the principle we automatically approve of the bill. There are two classes of appeals to the privy council. They may be described as (a) appeals by statutory right, and (b) appeals as a matter of grace.

It is most important to remember this and to find the key to the solution of this great national problem. For that reason, on the first reading I asked the Minister of Justice (Mr. Garson) to explain (a) what are statutory rights and (b) what are appeals as a matter of grace, and to clarify it to the house, because the proposed amendments to the Supreme Court Act do not even mention it.