sometimes seems to me, with much of adversity and personal disappointment, I have one supreme desire, and that is to see Canada becoming more stalwart, strong and self-reliant, courageously confronting all its domestic difficulties, intelligently assuming its national responsibilities, and participating, as an autonomous dominion, in so far as it is within our competency so to do, in the satisfactory solution of the complex political problems of this era of time in which providence has placed us.

With these ends in view I move the second reading of this bill and earnestly recommend its provisions to the favourable consideration of this house.

Right Hon. ERNEST LAPOINTE (Minister of Justice): The subject matter of the bill, the second reading of which my hon. friend has just moved, is very important and I am sure the house and the country will be gratified to him for having initiated this discussion to-day.

It is fortunate that a member of the standing and personality, the long experience and the public record of the hon. member for St. Lawrence-St. George (Mr. Cahan) should be the one to initiate this discussion. Surely no motive can be assigned to his action, and the question may be discussed on its merits without any suggestion of lack of loyalty or of weakness in the love of British institutions, of which my hon. friend has always given evidence of being a fervent adherent.

I am sure my hon. friend is not optimistic enough to take it for granted that this bill will become law in consequence of this first step, but the mere fact that it will be in the domain of public discussion will ensure its engaging the attention of all those who are interested in constitutional questions in Canada, not only legal minds, but the plain people as well, because they are just as much interested as the others in the solution of this problem. The mere fact, I say, that it will be in the domain of public discussion will create a public opinion which will enable this parliament to decide the question as it should be decided, in the best possible sense.

The origin of appeals to the privy council goes back very far into the past. I was reading in Lefroy's work on the federal constitution that when William of Normandy became King of England, the Channel Islands were under the duchy of Normandy and were never subject to the jurisdiction of the English courts. But there was an appeal from the decisions of the Channel Islands courts to the King of England in his quality of Duke of Normandy in council, and then this was extended to all the British possessions beyond the seas.

Prior to 1833 the appeals were by way of special leave, what has been called by the privy council "a residuum of the royal prerogative of the sovereign as the fountain of justice." This appellate jurisdiction was usually exercised in a committee of the whole privy council, which, having heard the allegations, made a report to His Majesty in Council, by whom a judgment was finally given. It is only in 1833, as my hon. friend stated I think on first reading of his bill, that it became part of the law of Britain by the Act for the better Administration of Justice in His Majesty's Privy Council, which act was later given the shorter title of the Judicial Committee Act, 1833. Later, in 1844, this act was altered and modified and the jurisdiction was extended; and other acts still further altered and extended the jurisdiction. But all these clearly established that it had become a matter of statutory jurisdiction.

I wish to indicate first the nature of the appeals in Canada, the different classes of appeals from Canada to the privy council.

First, there are the appeals in all the provinces, except Ontario and Quebec, which are by special royal grant in virtue of former imperial orders in council passed under the Judicial Committee Acts. Those appeals are (a) appeals as of right when a certain amount or upwards is involved; and (b) with leave of the court from which the appeal is taken.

Second, there are the appeals allowed by provincial statutes in the case of Ontario and Quebec. By the Constitutional Act of 1791, which divided the old province of Quebec into two new provinces called Upper and Lower Canada, provision was made by section 34 for the establishment of a court of civil jurisdiction within each of the said provinces respectively, and the appeal to his majesty and his successors was mentioned. In exercise of the power conferred by the Constitutional Act of 1791 the legislature of each province —that is Quebec and Ontario, then Lower and Upper Canada—enacted the two statutes, 34 George III, chapter 6, in Lower Canada, and 34 George III, chapter 2, in Upper Canada, providing for those appeals to His Majesty in Council in certain cases.

Those statutes were continued in force by the Act of Union of 1840, subject to certain modifications, and they were continued in force by section 129 of the British North America Act. The statutes in Quebec and Ontario