The prerogative of the crown is a vague expression . . . since Lord Coke vindicated the powers of parliament in the days of James I, it has been clear that the sovereign can only administer justice in courts recognized by parliament, and that he cannot interfere with the judges who preside in these courts.

Further, on page 235 of the same book, the learned author, before quoting from the summary of the proceedings of the imperial conference of 1926, makes this valid argument:

. . . if the judgment of the privy council is merely an order in council passed on the advice of a group of imperial advisers to give effect to the report of the committee it is high time that the right of appeal should be abolished and that the King, as King of Canada, should act on the advice of his Canadian ministers, for, as stated in the report of the imperial conference, 1926, "it is the right of the government of each dominion to advise the crown in all matters relating to its own affairs."

Another argument which could be put forward against the measure before the house, might be that the abolishing of appeals to the privy council would mean the severing of another link with the British commonwealth of nations. I do not for one minute agree with any such contention. The Hon. C. H. Cahan, in his admirable address before this this house in April, 1939, dealt with this objection in the following words, as reported on page 2812 of *Hansard* of that year:

For my own part, I fervently favour that imperial connection which is established by our allegiance to the crown and by Canada's membership, as an autonomous dominion, in the British commonwealth of nations, but nevertheless, I am fully persuaded that the continuance of Canada's amicable relations and good understanding with the government of the United Kingdom will best be promoted by the repeal, so far as applicable to this dominion, of such imperial statutes as, the Judicial Committee Acts, which now confer upon the government of the United Kingdom the political authority and the legal right to intervene, at its discretion, in the administration and enforcement of the laws of Canada. Such intervention the people of an autonomous dominion, in my opinion, should not continue to tolerate.

The more free the people of Canada are from the officious intervention in our domestic affairs by the government of the United Kingdom, the more readily will our people assume and fulfil the duties and responsibilities which are implied in our continued membership in the British commonwealth.

I wish to assure the house that I most sincerely and heartily support the sentiments of the hon. gentleman, who was, I believe, a great Canadian. Furthermore, on page 235 of his book formerly mentioned, Doctor Ollivier quotes a memorandum of Australian delegates regarding the provisions of the draft commonwealth bill, and this is what they had to say:

The consciousness of kinship, the consciousness of a common blood, and a common sense of duty, the pride of their race and history, these are the links of empire, bonds which attach, not bonds which chafe. When the Australian fights for the empire, he is inspired by these sentiments, but no patriotism was ever inspired or sustained by any thought of the privy council.

Another argument that might be advanced is that because the privy council has no connection with our politics and with local conditions it would be a more impartial and therefore a more capable body to adjudicate upon Canadian disputes, especially constitutional matters. I may say that this argument is most vigorously attacked and refuted in the debates which occurred in this house some years ago. As a matter of fact, in their criticisms of the decisions of the privy council, some of the arguments advanced were strong, and their condemnations of the privy council were such that I hesitate to go along with them. The criticism advanced, and I say rightly, goes as far as to say that the decisions of the privy council upon constitutional questions have changed and distorted the intention and spirit of the pact of our fathers of confederation. If hon. gentlemen will read the debate in this house in 1937 when the estimates of the Department of Justice were before the committee of the whole, some very strong statements were made as to the failure of the privy council to live up to what was expected of them in the interpretation of our constitution and to interpret the law in the light of Canadian conditions. I should like to quote one portion of Doctor Ollivier's book in that respect, contained on pages 240 and 241, which is simply an editorial of the Ottawa *Journal* written many years ago, but which is still applicable, and which, I believe, still epitomizes the opinions of some of those who have made a great study of this matter and of the argument as to whether or not a foreign court is a better judge of Canadian affairs than our own Supreme Court of Canada:

Speaking of the following cases: Toronto v. Toronto Street Railway, Winnipeg v. Winnipeg Street Railway and Grand Trunk Pacific Railway Company v. The King, the editor of the Ottawa *Journal* wrote many years ago: "A number of decisions of great importance made recently by the law lords of the privy council have been such as to raise doubt of the equity of that tribunal. Ground is given for the suspicion that, however dissociated the law lords of the privy council may be from our local prejudices or predilections, they may not be without unconscious bias due to their own surrounding and atmosphere . . . several judgments recently given suggest an undue tenderness to vested interests, seeing that in all cases referred to the Canadian courts had previously decided the other way . . . we take the liberty of thinking that the law lords of the privy council are