

digested on a system laid down in instructions of great particularity issued by the committee for the use of the compilers.

On page five he tells us:

I continued to be employed in drafting acts of parliament during my private practice at the bar till 1861, when I was appointed counsel to the Home Office, an office which was afterwards converted into the office of parliamentary counsel, and for the remainder of my official life I was occupied almost entirely in preparing legislation. "It will be seen, therefore, that whatever deficiencies may exist in the following treatise, they are at all events not due to ignorance or want of experience."

Lord Thring drafted the Colonial Laws Validity Act of June 29, 1865, which act no longer applies to the Dominion of Canada. He having drafted the British North America Act and the Interpretations Act of 1889, I have no hesitation in stating that in my opinion he knew whereof he wrote; and when he draws a distinction between the legislature of a colony and the parliament of Great Britain he means exactly what he says. As regards those who do not understand the decisions of the privy council, their failure to do so is due, in my opinion, to the fact that they do not differentiate between a parliament and a central legislature of a colony. The main difference between them is that whereas the acts of a parliament cannot be disallowed, the acts of a central legislature can. I desire to draw the attention of the house to the fact that according to Lord Thring this parliament is a central legislature and nothing more, the members of which should be designated by the letters M.C.L. and not M.P. And this house never was and never can be a parliament of the Canadian people. In the judgment of the privy council this house has no treaty-making power, and can have this power only when the provinces confer it. In their judgment they say that Canada, the dominion and the provinces together, have a competency of all power, both legislative and executive. In other words, they tell us that we can govern ourselves; that we are not subordinate to the imperial parliament. Now, Mr. Speaker, if Canada has a competency of all power to govern, and Canada is composed of nine provinces, there is nothing to prevent the nine provinces from creating a parliament of Canada whose acts would not be subject to the power of disallowance.

In my opinion, taking our cases to the privy council is an act of subserviency on our part and a distinct reflection on the erudition, dialectical ability or integrity of the eminent academicians of our supreme court, an act which should no longer be countenanced by the Canadian people. How-

ever, I do not wish the privy council of Great Britain to think that we desire to reflect in any way upon the admirable judgments they have handed down in the cases which we in the past were compelled to place before them. One of the main reasons why we can be considered capable of self-government is that we do understand the implications of these judgments of His Majesty's Most Honourable Privy Council.

This house, which sits to-day upon the shifting sands of discontent, has no power to cancel these appeals. The provinces of Canada will only laugh at the attempt to detract in any measure or curtail in any manner their prerogative of taking any case before the august tribunal the Judicial Committee of the Privy Council.

I am aware that the statute of Westminster of December 11, 1931, does not apply to this house; for nowhere does it apply to the central legislature of a colony. No parliament of Canada can be created until there is an agreement signed among the provinces creating a parliament. As no attempt to refute the statements made by myself in the debate on the address in reply to the speech from the throne on February 10 has been made, it is conceded that what I said is true.

Some hon. MEMBERS: Oh, oh.

Mr. GRAYDON: May I ask the hon. member a question? Do I understand him to suggest that this parliament has no status as a legislative body?

Mr. BENNETT: That is what the hon. member says.

Mr. FINN: That is what he means.

Mr. KUHL: I believe the hon. member is justified in drawing that conclusion.

Mr. FINN: Then why is the hon. member here?

Mr. THORSON: Would the hon. member indicate where he got these queer ideas?

Mr. KUHL: I placed on Hansard on February 10 a clear outline of the reasons for my statement. If the hon. member wishes to refute any of the facts or arguments which I placed before the house, I shall be pleased to hear the refutation.

Mr. THORSON: Why battle against wind-mills?

Mr. KUHL: To continue, Mr. Speaker, I contend that since the arguments I placed before the house on February 10 have as yet