

wealth and the states, has made it difficult to go to the privy council on constitutional issues, because they claim that England not being a federal state the law lords of the privy council have not in federal matters the experience of judges who have to deal with questions affecting the relations between the state and the federal authority, and who could more safely deal with such questions relating to the working of a federal state as arise in Australia.

May I say also that I believe it is very important that as long as we maintain the appeal a Canadian judge should sit when Canadian cases are before the committee. Two of the present judges of the Supreme Court of Canada are also members of the privy council, and it is in the interests of Canadian litigants that one member of the tribunal should be acquainted with Canadian conditions and Canadian considerations when Canadian cases are before the committee.

Mr. LAVERGNE: Could not the Supreme Court of Canada act as a privy council in Canadian matters?

Mr. LAPOINTE: That is a question which we have to discuss. My right hon. friend the Prime Minister has alluded to the Nadan case in which he took part as representing the province of Alberta. I think it was rather a shock to Canadian citizens when the decision was reached by the privy council that a law which had been on our statute books for over twenty years was ultra vires of the parliament of Canada, and that we in this parliament had no right to decide that in criminal matters there should be no appeal to courts other than those of Canada. I hope and believe that when this statute of Westminster becomes law the reason on which the decision of the privy council was based in that case will disappear, because then this repugnancy of our statutes to an old law of England will no longer be an obstacle to the validity of our legislation—as well as the other reason given, that Canada had no extra-territorial power in its legislation, and that therefore the appeal to the privy council could not be done away with by the parliament of Canada.

Before taking my seat, Mr. Speaker, I wish to pay homage to the public men of Britain and the other parts of the empire for having dealt with those questions in a very broad way, and for having realized that the surest method of maintaining our empire association is that it should be based on the solid rock of liberty, of autonomy and equality of status. I have no doubt that the bonds which

unite us, instead of being weakened, are rather strengthened by this new condition, based on the free will of all the citizens of the empire.

Mr. DUPRE: We all agree on that.

Mr. LAPOINTE: I am pleased to see that Canadians as a whole have come to agree on this point, and that the citizens of the other parts of the empire have also reached the same conclusion. We are bound together by a common citizenship, by loyalty to the same crown and to the same king, and this is a stronger bond than any legislation on the statute books giving predominance to one part of the empire over the other parts. I gladly support the resolution.

Mr. ARMAND LAVERGNE (Montmagny): I desire, Mr. Speaker, to congratulate the Prime Minister (Mr. Bennett) and the hon. member for Quebec East (Mr. Lapointe) and to endorse almost wholly their views. This legislation is certainly a step of which we ought to be proud. I think equality of status cannot be reached, and does not exist—we have to face the facts as they are—until Canada has the right to amend her own constitution; for undoubtedly so long as in this respect we have to submit to another nation we are in a position of inferiority.

So far as appeals to the privy council are concerned, I think that as we have the great benefit of the monarchical system, the right of appeal to the king always exists, and a subject has the right to bring his grievance to the foot of the throne that the king may use his prerogative to redress that grievance or to do him the justice he is entitled to. In the middle ages the king would dispense justice personally, and in fact usually did so; to-day he acts through his advisers. I think this is the solution. There is no need that we should go to the Imperial legislature to have our laws defined, but we could appeal to the king by having our own privy councillors advise the king on matters of appeal to the privy council.

As the hon. member for Quebec East has said, our common allegiance to the king is the strongest bond that unites the empire. Recognizing the great benefits which we enjoy under the monarchical system, and recognizing also our duties towards the king-emperor, I think it is about time that we gave that recognition some tangible form. I am one of those who in the far distant days were called "nationalists," and I still believe in Canada first, but I am also one of those who believe