

of any law designed to abrogate the right of his majesty in council to grant leave of appeal from any provincial court, then the subject matter of such law clearly falls outside of and transcends provincial authority; and if my reasoning is correct it has to go somewhere, and it has to fall within the legislative powers of the only Canadian legislative body competent to make a law having extra-territorial operation, and that is the parliament of Canada.

Mr. BENNETT: Right there I have some difficulty. In view of the orders in council that delegated to the courts of last resort in the provinces the power to grant appeals to the privy council, a question arises as to who has jurisdiction to repeal or rescind those orders in council.

Mr. LAPOINTE (Quebec East): Unfortunately—not unfortunately, because I believe it is better it should be so—nothing has ever happened which could give to the provinces the right to repeal.

Mr. BENNETT: I am clear the provinces have not the power. About that there is no doubt. I am speaking, however, of the question whether we have the power.

Mr. LAPOINTE (Quebec East): Does not my right hon. friend think that the Westminster act confers full authority?

Mr. BENNETT: I have had some doubt about that. I apologize for interrupting the minister's argument.

Mr. LAPOINTE (Quebec East): With regard to the bill presented by the hon. member for St. Lawrence-St. George, I quite realize that he would abolish appeals from the provincial courts as well as from the Supreme Court of Canada on matters within the competence of the parliament of Canada. Section 3 provides that no appeal shall lie or be brought from any judgment or order of any court in Canada, in relation to any matter within the competence of the parliament of Canada. I am afraid that a sort of chaotic condition would result if appeals could be instituted from some courts in Canada on some matters, which could not be taken from the supreme court on the same matters. In Australia for a time the commonwealth had done away with appeals in constitutional matters and the states had appealed to the privy council on the same matters which had been appealed to the supreme court of the commonwealth. The judgments which were rendered were different, and the Supreme Court of Australia refused to accept the views

of the privy council. Quite a confusion was created for some time, though finally appeals were done away with in the states on the same questions.

If on appeals argument should arise as to whether the matter which is concerned in the case is one which is within the legislative competence of the parliament of Canada or of the province, there would be discussions of all sorts; and with the view I have expressed, that this parliament has the paramount power to do away with all appeals and that we could do it, I would rather have us, if we did it at all, make it apply to all judgments from all the courts in Canada.

Mr. CAHAN: I should be very glad to see an amendment in committee to that effect, but I am now going so far as may be absolutely assured by present decisions.

Mr. LAPOINTE (Quebec East): As regards the extent to which my hon. friend goes, there is no question as to the power of this parliament to do it. But as he may see, the question is so vitally important that, for myself at any rate, I should like it to be further discussed and investigated—and this is not to suggest procrastination, a favourite word on many occasions—before we take a step which would be very important. Before doing so I think that everyone should have the time and the occasion to study the matter to the fullest extent.

I conclude my remarks by extending anew my thanks and congratulations to the hon. member for St. Lawrence-St. George.

Mr. J. T. THORSON (Selkirk): I am very glad that the Minister of Justice (Mr. Lapointe) concluded his remarks by thanking the hon. member for St. Lawrence-St. George (Mr. Cahan) for introducing this bill; for it is with words of thanks to the hon. member that I wish to commence my remarks on this subject. He is entitled to the sincere thanks of the Canadian people.

I was very glad to hear the Minister of Justice express the view that it was within the competence of this parliament effectively to prohibit all appeals in all matters from all Canadian courts. I entirely concur in that expression of opinion. There were doubts in my mind as to whether it was competent for this parliament effectively to prohibit appeals in respect of those matters that are within the legislative jurisdiction of the various provinces, but I have come to the view that since the Statute of Westminster, 1931, this parliament has full and plenary jurisdiction effectively to prohibit all appeals in respect of all matters under either section