

Louis S. St. Laurent, K.C., in his presidential address in 1931 to the Canadian Bar Association, said:

If I may venture to express a personal opinion, without attempting to commit anyone to it but myself, I would like to see all our constitutional disputes go to the Supreme Court of Canada, or at least such of them as are considered of sufficient importance to justify the intervention of His Majesty's attorneys general of the dominion and of any one or more of the provinces. I would like to see the decision given in the supreme court, if it were allowed to become a final decision, henceforth looked upon as a binding authority both on that court and on the privy council in all future similar cases.

I have also taken the liberty of translating into English certain passages from an address in the French language, which the right hon. the present Minister of Justice delivered to the Cercle Universitaire at Montreal, and which is reported in the *Revue Trimestrielle* for March 1932:

I cannot find a single reason to justify Canada being the only country in the world of her rank, her population and intellectual development to confess her inability to settle her own judicial conflicts. . . . Our judiciary and our bar need not look up to those of any other country. The partisans of appeal to the privy council claim that it constitutes a bond between the dominions and the crown, that it entitles every British citizen to go to the foot of the throne to obtain justice and, more particularly, that it is a safeguard for minorities. First of all, it is not true that all British citizens reach the foot of the throne through the good offices of the privy council. . . . In view of the conflicts which took place in Ireland, in Australia and even in Canada, following certain decisions rendered by the privy council, it is difficult to describe it as a powerful bond uniting the dominions to the crown. . . . As for the protection of minority rights by the privy council, that is a fable. . . . I wish to assail this ghost, this myth of the privy council safeguarding minority rights in opposition to our Supreme Court. And I entreat my compatriots never to lend themselves to the schemes of the reactionaries who have constantly opposed the development of Canadian autonomy and who boastfully declare that the right of appeal to England shall be upheld by Quebec. We, ourselves, are the best and truest guardians of our rights and traditions. No authority outside the land will defend them adequately in our stead. Canada has now attained her majority and can dispense with tutelage, even a judicial one.

I trust I have translated it fairly; I have endeavoured to do so.

Mr. LAPOINTE (Quebec East): It is better than the original.

Mr. CAHAN: Thank you.

It is sometimes alleged that the right of appeal to the judicial committee is the immemorial right of British subjects to present

their claims at the "foot of the throne." This is a mere myth. The phrase is merely rhetorical and represents a figment of the imagination and not a scintilla of historical fact. The judicial committee is a statutory body to which the forty-seven millions of British subjects in the United Kingdom have no right of appeal.

It is alleged that the judicial committee is the guardian of minority rights in Canada, racial and religious. This is not true, as everyone, who has read the decisions of the judicial committee in Canadian appeals, knows full well.

It is alleged that the privy council of the United Kingdom is a link of empire. So it was formerly alleged that the powers of reserving and vetoing dominion legislation were links of empire; but all these powers, which prevailed in the colonial era, were found incompatible with our status as an autonomous dominion. The firm links of empire will be found in our allegiance to the throne, our historical traditions, our firm conviction that our highest political interests and the security of our country in a world of international strife and rivalry, are best conserved by our free association and close cooperation in matters of common interest with the people of the United Kingdom and the peoples of the other British dominions.

It is alleged that the privy council serves to maintain the uniformity of law throughout the empire, that "it keeps the law in step." Maintaining uniformity in the law is not a function of courts of law, but of the parliaments and legislatures of the commonwealth which enact the law. The common law does not prevail in all parts of the dominions. Uniformity is not the end of law. Laws must be adjusted to the locality and to the times and conditions in which the different peoples of the British Commonwealth of Nations move and live and have their being. The law as interpreted and decided by the judicial committee differs in form and substance from the law as embodied in decisions of the House of Lords, which has supreme judicial jurisdiction throughout the United Kingdom.

I yield to no other Canadian in my desire and determination, so far as it lies in my power, to maintain all honourable relations, between Canada and the United Kingdom, between Canada and other parts of the British Empire, which comport with our history, our traditions and the covenants, express and implied, into which this country has voluntarily entered, though I deprecate any spirit of sycophancy or servility. Now as I near the close of a long and active life, replete, it