

Privy Council Appeals

done. It will be perhaps within the memory of the right hon. gentleman that discussion did take place at more than one imperial conference, but the pressure of other matters regarded as being of more importance at that particular time prevented any concrete action from being taken. I think this thought should be in the mind of everyone who has to do with this matter. When differences arose between the Irish Free State and Northern Ireland with respect to boundaries, it will be remembered that a justice of the supreme court of South Africa was called in. The problem of dealing with differences between the various parts of the commonwealth has become very apparent on one or two occasions. For instance, when we dealt with the Newfoundland matter, it was an arbitration, not a case in court. The privy council acted as arbitrators in dealing with that matter, and the arguments presented were presented to that tribunal as an arbitral tribunal, not as a court of last resort.

I think it is desirable that we should study the question as to whether or not it would be possible, by common consent, to create a great court that would indeed be a court of last resort, alike for the people of England, the people of Australia, the people of New Zealand and the people of Canada, for a certain class of question, not all obviously, but certain types of questions that might be dealt with. It will be remembered that Australia has imposed a limitation on the cases that can go to the privy council from that country, and the same applies with respect to other parts of the commonwealth. I am not urging it at all, but I think it is a matter that is worthy of careful consideration before we dispose of the question which is at issue in the measure that is before the house.

Mr. LAPOINTE: Mr. Speaker, any suggestion of my right hon. friend (Mr. Bennett) on a matter of this kind deserves, of course, the most careful and serious consideration, and I can assure him and the house that such will be given. But if I understand him aright, the suggestion would involve the creation of a court of appeal for the whole commonwealth. As he has stated, this was argued many years ago and was supported by a body of opinion in some parts of the commonwealth; but at every conference at which the matter has been discussed in my presence and in which I have participated, I must say that the trend of opinion was rather opposed to such an imperial court of appeal. But in 1926, and if my memory serves me well, even in 1929, when the conference on dominion legislation met, the almost

[Mr. Bennett.]

unanimous view was in favour of some sort of arbitral tribunal, as my right hon. friend has indicated, for the purpose of sitting when there are difficulties between members of the commonwealth, as in the instance he mentioned. Such a tribunal could have been sitting, for example, in the difference between Canada and Newfoundland. There is much in favour of such a proposal. The idea was that the judges who would be called upon to sit on such a tribunal would be taken out of a panel representative of every dominion of the commonwealth, which would supply a certain number of names—

Mr. BENNETT: Not unlike the world's court.

Mr. LAPOINTE: Exactly, and I myself spoke in favour of the proposal at that time. I can assure my right hon. friend that the suggestion will be given the most serious consideration.

Motion agreed to and bill withdrawn.

CRIMINAL CODE

AMENDMENT TO PERMIT SWEEPSTAKES ORGANIZED BY PROVINCES FOR BENEFIT OF UNIVERSITIES OR HOSPITALS

The house resumed from Friday, May 13, consideration of the motion of Mr. Bertrand (Laurier) for the second reading of Bill No. 28, to amend the criminal code.

Mr. P. J. ROWE (Athabaska): Mr. Speaker, I rise to take part in this debate because I am convinced, after careful consideration of the proposal to legalize sweepstakes for the alleged purpose of assisting hospitals and universities, that the appeal has nothing to commend it from any point of view, on either economic, political or moral grounds. On the contrary I regard it as utterly and completely fallacious by every test of logic and by the proof of historical fact. Of course, I do not for one moment question the good intentions of the hon. member who has moved the bill (Mr. Bertrand, Laurier), but I would remind him of the well known adage that the road to perdition is paved with good intentions.

The hon. member refers to the fact that some years ago in Vancouver a majority of persons voted in favour of a plebiscite which involved the idea of sweepstakes. Surely the hon. member does not suggest for a moment that the fact that a majority of the electors in Vancouver voted in favour of this idea was an endorsement of the principle, because I am unable to see any principle in it.

May I suggest to the hon. member another reason which these people had for voting