

The learned writer whose remarks we have ventured to criticize makes it a matter of complaint that authorities are rarely referred to by the judges of the Judicial Committee, but it must be remembered that the authorities bearing on the case have already been referred to and thoroughly discussed in the courts below, and it is not fair to assume that they are ignored because they are not specifically mentioned.

With all due deference to Mr. Marsh and Mr. Senator Scott, we think the Judicial Committee of the Privy Council, "the legal heart and head of the British Empire," is a tribunal deserving of confidence, and one of which no British subject need be ashamed.

Invidious comparisons are sometimes made between the Judicial Committee and the Supreme Court of the United States; but we do not think the Committee has any reason to be ashamed of the comparison. It deals with a far wider range of law. Hindoo, Turkish, Roman-Dutch, French, canon, and civil, and the various forms of English law, all come under its ken; yet it has kept up with its work, and there are no such enormous arrears accumulated as hang like a millstone round the neck of the Supreme Court of the United States. Its decisions, too, are unanimous, and no conflicting opinions are promulgated to embarrass the suitor or provoke litigation.

In the interpretation of our Canadian Constitutional Act, its decisions, both where they have affirmed and where they have reversed those of the Canadian courts, have, in the main, been such as to commend themselves to the reason and judgment of the public at large, and they have been so admirably worded as to leave no room for any suspicion of partisanship or unfairness.

It is possible that Mr. Marsh's lucubration may be partly accounted for by the fate which befel the case of the *North-West Transportation Co. v. Beatty*, 12 App. Cas. 589, in which he appeared as counsel for the party whose apple-cart was upset by the Judicial Committee; for, when one takes a great interest in a case, one is apt, without knowing it, to feel unduly the weight of one's own arguments. But we venture to suggest that our critic has a good deal of assurance, under all the circumstances, to announce to the profession his opinion that the judgment of the Privy Council "is an extraordinary decision, wholly unsupported by authority." He seems to have forgotten that the English judges, in that case, affirmed the unanimous