refuses to consider the conditions and circumstances in which and the objects for which such provisions were first enacted. There is no substitute for wise and enlightened interpretation, and, without it, the possibility of obtaining redress by mere amendment is a barren hope.

Expressing the views of Australia, Mr. Hughes, the Australian prime minister, at the imperial conference in 1918, spoke as follows:

Especially in relation to its decisions on the commonwealth constitution, the privy council has not proved a satisfactory tribunal. That constitution has special features of its own—features which differentiate it from the Canadian constitution, and some of which bear close resemblance to the constitution of the United States. It is a complex instrument, almost every line of which has its roots in Australian history, and bears the marks of an ultimate compromise between conflicting views. The eminent judges ordinarily available on the judicial committee, for all their legal learning and judicial experience, have not among them a single man who is intimately familiar with this constitutional document, or with the vital processes underlying it, a knowledge of which is, in the case of any constitutional document, necessary to a full appreciation of both letter and spirit. Australia's experience of the privy council in constitutional cases has been, to say the least of it, unfortunate.

And referring to the decision of the judicial committee in the then recent royal commission case, Colonial Sugar Refining Company v. Brown, Mr. Hughes continued:

Its decision is one which must have caused great embarrassment and confusion, if it were not for the fortunate fact that the reasons for the judicial committee's decision are stated in such a way that no court and no counsel in Australia has yet been able to find out what they were. That is what must happen when a tribunal on the other side of the world, no matter how eminent and experienced its members may be, has cast upon it the duty of interpreting a complicated constitutional document with the history and principles of which no member of the court, and perhaps no counsel practising before the court, is especially familiar.

As stated by Sir Arthur Berriedale Keith in his work on Responsible Government in the Colonies (1927 edition) page 1102:

It is idle to deny that the taking of appeals to the privy council is a mark of inferior status and partial servility.

And again, at page 1104, he said:

The maintenance of the present position is just and proper so long as the dominions desire to remain dependencies. But to talk of free and autonomous nations and equal partners in the empire under the circumstances is childish folly.

Other hon. members will recall opinions expressed by leading counsel of other provinces of Canada, but I will cite only representative lawyers of the province of Quebec of which I am one of the representatives in this House of Commons.

No Canadian who knew intimately the late Eugene Lafleur, K.C., could have failed to be impressed by his legal learning, experience and insight in relation to matters of constitutional law. In a letter dated April 14, 1914, to Mr. J. E. Martin, K.C., who was then batonnier of the bar of Montreal, and who subsequently became chief justice of the superior court of Quebec, Mr. Lafleur said:

The reason usually advanced in favour of maintaining the appeal to the privy council is that it secures a decision from a tribunal which is free from local prepossessions and from political, religious or racial prejudices. Such a humiliating confession has never been made, so far as I am aware, by any autonomous colony or state and implies less confidence in the judiciary than in the legislatures. It is no answer to say that our governments have too often made appointments to the bench on the ground of political services rendered rather than on that of professional merit. This does not prove that competent men cannot be produced or secured to satisfy our requirements, but merely that proper means must be taken to attain this end instead of solving the difficulty by an admission of inferiority and an appeal for external assistance. And I venture to think that our governments will not feel their full responsibility in this respect until our courts are as supreme in their sphere as our legislatures are in theirs. (Senate Hansard, 1916, at page 293.)

The late Charles S. Campbell, K.C., of Montreal, one of the most reputable and experienced members of the Canadian bar, is reported in Senate Hansard, 1916, at page 542, as saying:

The only authority for saying that an appeal from the supreme court to the judicial committee exists is the decision of the committee itself. The real reasons no doubt were as they generally are, matters of policy; the ostensible reasons contained in their orders or reports are rarely the real ones and no doubt that is why the views of dissentient members are never made public. Obviously a decision which is at once politic and of doubtful legality would not command any acceptance if dissentient members' views upon it were expressed. The expression of opinion by all the members is the real strength of any appellate tribunal, because, if the views of the majority are of doubtful legality, they hesitate to put them into language which may be attacked by other members of the court.

Aime Geoffrion, K.C., in a letter published in the Senate Debates for 1916 at page 542, referring to appeals from the Supreme Court of Canada to the privy council, says:

I do not believe in the appeal, whether the (supreme) court is unanimous or divided, nor do I believe in it even in constitutional cases.