

and indisputable learning and wide experience of English judges. A Canadian can acknowledge in unqualified terms the immeasurably great service rendered by the Committee to the Dominion in connection with its invaluable opinions construing our Constitutional Act. Lord Watson had a more enlightened and more statesmanlike view of the respective legislative powers vested in the Dominion and Provincial Parliaments by the British North America Act than Canadian jurists on many occasions displayed. His success may be due to the freedom he exercised in having regard to the spirit and policy of the Act rather than to its literal terms, and to his refusal to be bound by the canons of construction which ordinarily guide courts of law. In the case of appeals from other colonies the Committee has not always been fortunate enough to inspire the same degree of confidence, and it has been complained that because of a lamentable want of knowledge of local conditions serious error has been committed in respect of Australian and New Zealand cases. The advantage, most considerable as it has been to Canada, to have had its constitution expounded by the Committee, cannot be allowed to weigh against the harmful effect to the development of Canadian legal institutions wrought by placing the Supreme Court of Canada in a position of inferiority to it.

Those who have observed the great position in the American constitution assigned to the Supreme Court of the United States, and the influence it wields as one of the most august tribunals in the world, are sensible that it gives dignity to the nation and serves as a majestic symbol of the unity of the American people. The Supreme Court of Canada might some day come to hold a position of similar dignity and intrinsic influence if it were the final Court of Appeal for the Dominion. Like the Supreme Court of the United States, it would have high constitutional and political duties to perform in determining the validity of Dominion and Provincial laws; functions which are not found in the courts of any other land, and which would bring before it questions of the highest possible consequence. These questions may arise in connection with the litigation of private