

stop to all appeals to the privy council. Therefore the Attorney General of England, in order to reserve the right of appeal to some people in Ireland against the expressed wish of the majority of the nation, against the will of the parliament and government of Ireland, declared null in the Canadian statute a clause against which in itself they had no objection, against which no appeal had ever been taken to the privy council, and the application of which the privy council pronounced inadvisable. This evidences once more the fact that the Judicial Committee of the Privy Council is not primarily a tribunal, but a semi-political, semi-judicial body; and they do not ignore that fact in England.

The Prime Minister spoke this afternoon of misapprehensions existing in Canada, and mentioned in that connection the Colonial Laws Validity Act; but I think there is one matter on which there is even more misapprehension, and that is when you hear at all times mention of the Judicial Committee of the Privy Council as being the highest tribunal of the empire. It is no such thing. No citizen of England is amenable to the Judicial Committee of the Privy Council. The highest tribunal of the realm is the committee of the law lords of the House of Lords. The Judicial Committee of the Privy Council has been kept as a semi-judicial and semi-political body in order to give expression to the right of appeal to the throne on the part of all subjects not living in England, and also to keep control over colonial legislation. It is to give to the people of various tribes and colours, or, speaking more broadly, may I say that it is to give to the inhabitants of all subject parts of the empire, a means of appeal to the king without resorting to the House of Lords. So the right of appeal to the privy council is in itself a brand of inferiority. It is the highest tribunal open to all the inhabitants of all the various British possessions who are not fully-fledged British subjects of the king. That is one point of view.

Now for a more practical point of view. It is true, of course, that you may find among the members of that august body men with a broader knowledge of comparative law than the judges of the Supreme Court of Canada, because they have to administer the laws of the various portions of the Indian Empire, for example, which in itself contains very many types or traces of legislation—Indian, Mohammedan, British, Dutch, Portuguese, and so forth. They have also to administer and interpret the constitutions of the various dominions which have grown up out of various circumstances, some resembling more the con-

stitution of the United States than the old unwritten constitution of England, and some the reverse. Undoubtedly the most eminent members of that body have a broader knowledge of all laws in force in the various portions of the British Empire than the judges of the Supreme Court of Canada, or than the members of the House of Lords, who have to concern themselves exclusively with the administration of English law. But nevertheless, the argument remains which the ex-Minister of Justice made this afternoon: How can we develop in the minds of our Canadian citizens full respect for themselves and for their judicial institutions so long as there remains the impression, the prejudice, if you like, that there is no tribunal in Canada capable of adjudicating finally upon the laws of Canada, whether federal or provincial? So far as that aspect of the question is concerned, I think that in the interests of the growth of a sense of national responsibility and a broad sense of national duty there should be a change, and I hope the change will come. I will not say that I hope it will come suddenly, but as soon as a well-educated public opinion in Canada understands that after all it ought to be possible to secure justice within the four corners of this land and not be obliged to go across the ocean to receive it. It has been said that we do this of our own free will. Of course. There is nothing in our laws and in our customs of which we are not absolute masters if we so desire. All those remnants of colonial subserviency that we keep, we keep because we wish to; but I claim that this is worse from a certain point of view than if it were imposed upon us by the supreme will of a parliament whose authority we still acknowledged; for it means that although we have the power of administering our own laws and our own affairs we have not sufficient confidence in ourselves or in the men whom we appoint to our various tribunals. I have frequently heard members of the bar in this house as well as in the old house in which I sat,—I have frequently heard the Prime Minister himself do so, who is one of the most distinguished members of the Canadian bar—express at times in what I thought exaggerated terms a great admiration for the judiciary of Canada. Well, the best way for the people of Canada to prove that they have confidence in their own judges is not to be afraid of receiving final judgment at their hands, instead of going across the ocean to get justice.

It has been said frequently, and this will form a natural transition to my second