

an advantage to litigants in this respect, that it ensures a total freedom from those subtle prepossessions which are apt to influence the minds of the most able and impartial judges who are called upon to decide cases which excite a good deal of general interest in the community. Considered in this point of view, that very ignorance of Canadian affairs which Mr. Ewart imputes to the Privy Council is calculated to inspire confidence rather than distrust in its judgments. A controversy determined by jurists of ample practical experience, who consider the law and the facts with the intellectual detachment of college professors forming an opinion in regard to the soundness of abstract doctrines, may well be said to have been determined under ideal conditions.

By way of refuting my charge that he had launched, against the Privy Council what I described as "sweeping censures and rhetorical diatribes," Mr. Ewart quotes the language of certain distinguished persons, notably Lord Haldane, with regard to the unsatisfactory state of the Supreme Court of Appeal. But language which merely imports that that court is not as good as it might be, and ought to be made better, certainly cannot be adduced as a justification for the indiscriminate attacks of a critic whose position seems virtually to be that the Privy Council is more likely than not to be wrong, when it reverses the decisions of Canadian courts, and who in the very article upon which I am commenting has intimated that, in *Royal Bank v. Rex*, it has wilfully distorted the law for the purpose of obviating what it regarded as an unjust consequence of the exercise of legislative powers. If it is not only incompetent, but even capable of such an enormity as is thus imputed, it is clearly unfit for its duties. It must be "reformed altogether" in order to be properly qualified to review cases from the Overseas Dominions.

But as a considerable period must elapse before the changes which Mr. Ewart would regard as being necessary under the circumstances can be carried out, he may perhaps deem it desirable that some temporary means should be devised by which the stream of bad law which he believes to be flowing constantly