

livering the judgment of the Board and referring to Horne's evidence, says: "Their Lordships are unable to accept this statement." We pay our money and we take our choice. Locally, of course, there will be those who think that the estimate formed of a witness's credibility by Canadian judges is perhaps more likely to be correct than the one formed in London, and there are reasons why this should be so. The latter had no opportunity of observing the demeanour and appearance of the parties as they gave their evidence. Perhaps none of their Lordships had ever set foot in Canada and probably none of them have had any personal experience of a real estate boom in a Western town. The litigation originated in such local condition.

It is making a demand on "loyalty" and upon the imagination which neither will stand to ask us in Canada to believe that the question of which of two parties to a law suit ought to be believed can be more righteously decided in England than here.

A Board consisting of Lord Macnaghten, Lord Atkinson and Sir Arthur Wilson saw fit to grant leave to appeal in this case and they must therefore have considered that the opinion of the Judicial Committee on the question of which of these parties was to be believed would be superior to that formed by two Canadian courts, and this is not flattering to our Canadian judiciary, nor is it a view likely to be acquiesced in in Canada. It is said that the right of appeal to London is a bond of union with the Empire, but if the Judicial Committee is going to adopt a practice of entertaining appeals of this nature and of interfering with Canadian judgments in cases of this kind, it is likely in time to prove the reverse. If our Canadian judiciary is not adequate in point of ability to the determination of such a point as *Gordon v. Horne* presented, it ought to be made so, but Canadians believe that it is quite capable of deciding such matters and as we have some pride in our judiciary it is not flattering to our self-esteem to find judgments of our Supreme Court of Canada upon such questions brought over to Downing Street by order of the Judicial Committee for review by their Lordships. Is it lack of the necessary brains and legal talent to decide our own civil disputes that makes us submit them to London for adjudication or is the reason a purely sentimental one that we are in this way helping to maintain a union with the Empire or is it a feeling that the judges in London are free from influences or prejudices of an outside or local nature from which judges in our own country might not be free?