

crusade against it. But the charge needs no other refutation than its own absurdity.

Of course, Mr. Ewart still adheres to his main position that the Privy Council is incapable of dealing with Canadian appeals.

"I do not question the ability of the Court. I merely say that, being unfamiliar with local conditions, and local methods, and local expressions, it cannot as well qualified as our Supreme Court to deal with Canadian cases."

As a conclusive demonstration of incapacity, he then refers to the "black list" of erroneous decisions which he has exposed in the *Canadian Law Times*. He reminds us, moreover, that these represent only a portion of the mistakes that have been perpetrated by the Privy Council. It is scarcely necessary to say that I do not agree with the views expressed in this portion of his article any more than I do with those upon which I have already commented. To me it seems not unreasonable to take the ground that, even after full allowance has been made for the alleged drawbacks under which the Privy Council is declared to perform its duties, his own opinions are, on the whole, less likely to be correct than judgments deliberately rendered after careful hearing at which that court receives every assistance from Canadian counsel. The system of jurisprudence which prevails in all the Provinces except Quebec is fundamentally the same as that of England, and the preferable supposition seems to be that neither statutes nor modified social and economic conditions can introduce into Canadian cases any local factors which are beyond the comprehension of a tribunal composed of English judges. At the opening of such a case the members of that tribunal may be, and no doubt usually are, ignorant of all the factors of this description which may be involved. But as the arguments on both sides are developed the nature of those factors is fully explained: and if after the explanation their significance is still imperfectly appreciated, one may safely assume that they belong to some category which should not be recognized at all in a court of justice. In fact it may fairly be contended that an initial ignorance of such factors is distinctly