

the House of Lords as one of the grounds on which he resisted certain amendments of that Bill. Apart from Mr. Chamberlain a number of other Members spoke, including Mr. Haldane, who pointed out that this proposal of the Government was one which he and others had long supported. Mr. Asquith, at page 42, also gave in his adhesion as one who looked forward "to the constitution of a real Imperial Court of Supreme Appeal, a Court not to be forced on the Colonies against their will, but a Court of such a character and having such attributes as would appeal to every part of the Empire." Mr. Bryce, another distinguished authority, at page 53, echoed the hope that the Imperial Parliament would proceed with the creation of this Court. The member for Dumfries Burghs asked the Committee to consider for a moment the real importance of the Appeal to the Privy Council which he thought very desirable to retain if we could, but admitted that it ought never to be imposed on the Colonies unless they wished it. At the conclusion of his remarks he said that "the proposal then before the House would do no harm he believed to the"—Australian—"Constitution, and certainly it contains no element of injustice or unfairness, but if they do not think so, and continue to express what exists to a considerable extent in Australia, a decided preference to the form of Bill to which they all agreed in the first instance, I would express the hope that the Government even now, after having done their best according to their own view of their duty, will revert to the Australian view." We were therefore encouraged to hope a good deal from the Conference which followed in 1901, at which Canada, Australia, New Zealand, South Africa, the Crown Colonies, and India were represented by nominees. But the result of their discussions—the discussions themselves, I think, have not been published—was that a majority consisting of five of the members signed an unqualified recommendation that appeals should continue to lie from the Colonies and from India to His Majesty in Council. They went on to make certain suggestions that the appointments to the Judicial Committee should be made from the Dominion of Canada, the Commonwealth, New Zealand, South Africa, and so on; the appointments should be for life or for a term of years not less than 15 years, and arrangements should be made for securing a larger attendance of Lords of Appeal at sittings of the Judicial Committee. The recommendations of the five ended there. Though these suggestions for the improvement of the Court were endorsed by two other members, Mr. Justice Emerson and Sir James Prendergast, I am not aware how far any steps have been taken to give effect to any of the recommendations at which that Conference almost unanimously arrived. I am quite in the dark as to any arrangements since made for securing a larger attendance of Lords of Appeal at sittings of the Judicial Committee. Cases have occurred—one case quite recently, of a very grave and serious character, to which I shall presently call some attention—in which the presence of a larger committee would have been extremely desirable. After the five signatories, Mr. Justice Emerson specially added that he signed subject to the proposal that had been made for the establishment of an Imperial Court of Appeal for the Empire. In the same way Sir James Prendergast on behalf of New Zealand signed subject to the establishment of a new final Court of Appeal for the whole British Dominions. Mr. Justice Hodges of Victoria, the representative of the Commonwealth, added on our behalf not only a dissenting opinion but a further request repeated at our desire for the establishment of one Court of Final Appeal. Three members of the Conference declared for an Imperial Court of Final Appeal.

That, I think, represents, as far as it is necessary to deal with it at this time, the immediate history of this proposal.