

Seventh Day.
28 April 1907.

IMPERIAL COURT
OF APPEAL.
(Sir W. Laurier.)

the matter to us, the duality of appeal must necessarily lead to some confusion, and so far as it goes it seems to me his argument cannot be successfully met, and nobody now would be interested in opposing it. The British Parliament no doubt can remedy the evil since they are the paramount power, but perhaps they would have some hesitation in interfering and making what would practically be an amendment of the constitution of a federal country.

Mr. DEAKIN : That we have not asked for.

Sir WILFRID LAURIER : No, and I believe the British Parliament would hesitate also to do it until they had heard from the different states which composed the Federation.

Mr. DEAKIN : Even in that case we should not ask for any intervention.

Sir WILFRID LAURIER : As I construe it the resolution which you have presented, "that it is desirable to establish an Imperial Court of Appeal," would be practically an amendment of the Constitution of Australia.

Mr. DEAKIN : No.

Sir WILFRID LAURIER : Yes, since there are two appeals granted, if you destroy one I take it to be an amendment of the Constitution.

With regard to the question of a Court of Appeal in South Africa, so far as it concerns the Conference I do not know that serious objection can be taken to that. If the three Colonies or dependencies in South Africa are agreeable to have a Court of Appeal for themselves, nobody else can take exception to it. It seems to me to lead in the direction of immediate federation. If they have a Court of Appeal for themselves, this leads to the ultimate and proximate creation of federation for all purposes. This would certainly be in the best interest of themselves and the Empire.

So far as Canada has any concern we have an appeal to the Judicial Committee of the Privy Council, and it has, as a general rule, given very great satisfaction. I do not know that all its decisions have been accepted. There are few courts which have not their decisions criticised within twenty-four hours, but as a rule the decisions of the Privy Council so far as concerns Canada have been eminently satisfactory. At the same time everybody must recognise that the constitution of the Court is not, perhaps, quite in accordance with the modern age and tendencies. The point made out by Mr. Deakin that the constitution of the Court may be one day four and the next day eight is certainly a point well taken, and it is liable to create dissatisfaction, and, perhaps more than dissatisfaction, serious complications. It seems to me that the Judicial Committee of the Privy Council should be remodelled if it is to be maintained. I may say that in my country the views of the people are not all in accord as to the retention of that appeal. Some jurists have maintained that any country ought to be able to interpret its own laws, that is to say, the Parliament which creates the laws should be the Parliament to create the tribunal to interpret those laws. There is a great deal of force undoubtedly in that view. On the other hand there are some jurists of equal eminence who believe that taking us as we are at the present time a part of the British Empire, in which so many questions of Imperial interests must necessarily arise even in the lowest courts, it would be a good feature to retain the present appeal to the Judicial Committee of the Privy Council. The present Minister of Justice, as able a man as we have ever had in Canada, is