

Seventh Day.
26 April 1907.

IMPERIAL COURT
OF APPEAL.
(Mr. Deakin.)

case, or some other case, some discrepancy becomes flagrant between the judgments of the two courts, which are in certain respects co-ordinate, and both of which are in terms final Courts of Appeal. Therefore, while not desiring to press for more consideration than we are entitled to on this head, I submit, first, my general resolution with the qualification that it is not in any way desired to be imposed upon any of the other Dominions who may prefer to remain subject to the existing jurisdiction. Supposing the Imperial Court of Appeal is rejected, if His Majesty's Government, for one reason or another, does not think fit to proceed with the distinct proposal made in 1900, and then apparently very generally approved, and if our request cannot be complied with because of differences among ourselves, or for other reasons, perhaps His Majesty's Government would give their attention to the suggestion of an optional appeal—not in each individual case, but for all cases from Australia. Then, if necessary, after legislation by the Commonwealth Parliament, all appeals from us might go to the House of Lords, instead of, as at present, to the Judicial Committee. I make that suggestion in order to clarify our position, and to remove all appearances of pressure on other dominions, but not to detract from our opinion that the best possible manner of meeting the situation is the acceptance, as early as may reasonably be possible, on conditions to be laid down by His Majesty's Government, of the proposal for one court for the Empire.

Finally, let me refer to the protest of Mr. Justice Hodges, the very able representative of Australia in 1901. His concluding words relating to this proposition are, "Such a court"—that is one Imperial Court of Appeal for the whole Empire, sitting perhaps in two Divisions, and with certain arrangements which it is not necessary to dwell upon, "would bring the best legal thought in the United Kingdom in touch with the best legal thought in the Empire outside the United Kingdom. It would be a wonderfully strong court, and command the admiration and respect, not only of the whole British race, but of every race in the British dominions. It would be a powerful factor in the development of a closer union between all parts of the Empire. In the British dominions it would obliterate in the administration of justice all distinctions between places and persons. Just as there is one flag to protect the subject from external assault, so there would be one court as the final arbiter of internal disputes." That is our view. We think it is a great ideal, and one which ought to be served. We have not thought it necessary to appear to criticise the Judicial Committee of the Privy Council in its methods or manner. In "The Life of the late Mr. Henry Reeve" there is a great deal of light thrown upon the manner in which the Board was then constituted—that is the Judicial Committee—and apparently it is still open to the same vicissitudes. With that great ideal before us, we respectfully submit the resolution which I have the honour to move.

Sir WILFRID LAURIER: I would not like to speak at this moment. I see that Cape Colony has also proposed an elaborate resolution on this question, and I would like to hear what their representative has to say.

Dr. JAMESON: The resolution of the Cape Colony is more on detail matters than the very large subject brought forward by Mr. Deakin, and I would only say with regard to that general subject, we have entire sympathy with Mr. Deakin in desiring a final Imperial Court of Appeal. Of course, as to what that Imperial Court of Appeal should be, and what form it should