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12 June, 1911.]

IMPERIAL APPEAL COURT.

[7th Day.

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The LORD CHANCELLOR: We cannot assimilate all these things without the consent of all the Dominions. They are framed upon their representations because they think it is most to their convenience, and we cannot alter them unless they wish it. If they wish it, we are quite prepared to alter it.

Sir JOSEPH WARD: Have you any objection to there being one final court of appeal? Why is there any necessity for one for the United Kingdom and one for the oversea Dominions?

The LORD CHANCELLOR: Do you mean that the House of Lords and the Privy Council should be amalgamated?

Sir JOSEPH WARD: That they should be merged.

The LORD CHANCELLOR: I think the United Kingdom has its own view with regard to that.

Sir JOSEPH WARD: Certainly, I fully recognise that.

The LORD CHANCELLOR: We have got our own system, which is a complicated and difficult system, and in which there is an enormous amount of work.

Sir JOSEPH WARD: I was only inquiring whether there was any objection.

The LORD CHANCELLOR: I think probably that may come; the system I suggest may develop into that, and I should be very well pleased and very glad if it does; but I think the idea of amalgamating the Privy Council and the House of Lords is a foreign idea to our people, and I do not think our legal profession or the Chambers of Commerce, for instance, or the people at large have any quarrel to make with our final court of appeal.

Dr. FINDLAY: Have you any objection to our having the House of Lords as it is as the final court of appeal?

The LORD CHANCELLOR: I do not see any objection; it would be the same men sitting in the House of Lords.

Dr. FINDLAY: Yes, it would mean practically the abolition of the Judicial Committee, treating the House of Lords as the one final court of appeal for the oversea Dominions.

The LORD CHANCELLOR: Do all the Dominions want that?

Mr. MALAN: No.

The LORD CHANCELLOR: We cannot do for them what they do not want for themselves.

Viscount HALDANE: It is a little interesting to bear in memory the origin of this. Originally, the King was the fountain of justice for the courts in this country as for the courts of the Empire; but, just as the House of Commons filched finance from the rest of Parliament, so the House of Lords filched the judicial jurisdiction from the King, and it is by that process of abstraction, which is now a tradition of many centuries, that the House of Lords is the supreme court. Naturally and properly the King is the fountain of justice, and the Privy Council is the original form. The House of Lords has usurped its jurisdiction, and it has worked very well.