

MAKE OTTAWA LAST APPEAL FOR DOMINION

Bill to Abolish Resort to Privy
Council Debated in
the Legislature

RANEY BRINGS IT IN

Then Withdraws After
Speeches by Himself,
Dewart and Henry

That Ontario may know that at some future session of the Legislature a bill to abolish appeals from this Province to the Judicial Committee of the Privy Council in London will be pressed, Hon. W. E. Raney opened a discussion on the proposed bill yesterday, and then withdrew the measure. H. H. Dewart, K.C., Liberal Leader, followed Hon. Mr. Raney, and declared himself against such a measure. Neither got into any great controversy over the matter, but stated their opinions and the opinions of others eminent in the Judiciary of Canada.

Hon. Mr. Raney, while in favor of the abolition of appeals to the Privy Council, quoted freely from eminent lawyers, who gave opinions and reasons for opposing such a measure. He delved into the status of Canada as a nation, its old and new relations with the Motherland and the other Dominions of the Empire. He quoted the remark of Sir Allen Aylesworth that the right of appeal was a tie to the Motherland, and then gave it as his own opinion that it was an "irritant" to such a bond.

Hon. Mr. Raney expressed the opinion of others who said that they thought that there were more able Judges in Great Britain to express the last opinion on appeals.

"That is true," said Mr. Dewart.

Too Many "Little Canadians."

"I am sorry my honorable friend says so. We do not have to take the present. Let us go back a generation." Mr. Raney named several of the eminent judicial men of the past to compare with British Justices. He was sorry there were so many "Little Canadians" who exalted the people of other nations. "Democracy consists in the liberty of making mistakes," he continued. "I would rather govern myself with my mistakes than be governed by somebody else. That is the essence of democracy." He argued that Canada should have at Ottawa a court of finality and independence. Ottawa should be the termination of appeals. "Why should this country appeal to another country in settling its lawsuits?" he asked.

"This is one of the most important bills that has come or that will come before this Legislature," said

Hon. Mr. Raney. "It is important not only Provincially, but nationally and internationally. It involves the principles of self-government. It has been the subject of disputation for at least two generations, and the importance of it has been heightened and deepened by the political development incidental to the war, as a result of which the statesmen of Great Britain agree with those of Canada and Australia and South Africa that these Dominions have now taken on the full rights and responsibilities of nationhood.

"It is not my purpose at this time to make an argument in support of this bill, because, for reasons which I shall presently state, it is not the intention of the Government to press it at this session of the Legislature.

As, however, this bill is not being abandoned, but only held over, I ought, I think, to state briefly the elements of the situation as they exist at the moment."

Not Necessarily Imperial Bond.

After quoting the opinions of many statesmen, including General Smuts, Earl Grey, Sir Robert Borden and others, Mr. Raney continued:

"The argument is that if the declarations of nationhood are to be taken seriously not only by Canada herself, but by the United States and other foreign countries, they must be implemented by a change of the system under which the final interpretation of the laws of Canada, including this Province, is not with the Judges of this country, appointed by the Government of this country, but by a tribunal in another country thousands of miles away.

"On the other hand, there are many Canadians who do not want nationality as defined by the statesmen whom I have quoted. They look upon the appeal to England as a bond of Empire, and fear that its abolition would weaken the tie that binds this country to Britain.

"That is an outline of the main argument on its political side.

"Then there is the legal argument. Those who favor the abolition of the appeal urge the expense and the delay and the want of knowledge of English Judges of Canadian laws and customs. On the other hand, those who favor the present system say that it promotes uniformity of laws with those of Great Britain, and that there is an advantage in having an ultimate court of appeal far removed from local prepossessions, and finally that the rich man ought not to be deprived of the privilege which is given by his wealth even though it is denied to his antagonist by reason of his poverty.

A Convincing Instance.

"To illustrate the possibilities of the present system I have under my hand papers in a case sent to me a few days ago, in which a widow

brought suit in the courts of this Province for damages to certain mining land of which her husband was or thought he was the owner. She recovered judgment for a few hundred dollars. On appeal to the Appellate Division of the Supreme Court of Ontario the judgment was reversed and her action dismissed. Then an appeal by her to the Supreme Court of Canada was successful and the judgment of the trial Judge was restored. Finally, on an appeal to London, the judgment of the Supreme Court of Canada was reversed and her action again dismissed. These proceedings occupied 53 months, and the costs of the successful parties against the widow were taxed at upward of \$3,500. In addition, she was left to pay her own costs, which would probably be as much more. As this is not an argument, but merely a statement of facts, I make no comment.

"It is well known that Sir William Meredith, Chief Justice of this Province, entertains strong views on the so-called appeal to the foot of the Throne—which is, of course, in fact not an appeal to the King at all, but an appeal to the committee of the Privy Council of England, which is responsible to the Parliament at Westminster, and in no sense responsible to the Parliament or people of Canada.

"Then, as I have said, the laymen differ. The Labor party of Canada is in favor of the abolition of the appeal. On the other hand, I have a memorial from the Toronto Board of Trade in favor of the system as it is."

Raney Not the Author.

Mr. Dewart intimated that the Attorney-General's zeal in reference to the abolition of appeals to the Privy Council was being fired by his own personal legal reverses before that august body. He hinted that at one time editorials in *The Globe* dealing with the subject betrayed the well-known literary style of Hon. Mr. Raney, upon which the Attorney-General promptly arose to make the statement that he was not the author