

CORRESPONDENCE

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APPEALS TO THE PRIVY COUNCIL.

The Editor, CANADIAN BAR REVIEW.

Dear Sir:—In "Topics of the Month" in the January number of the Review under the heading "Appeals to the Privy Council" appears the following statement:—

"The maintenance of the appeal to the Privy Council would seem to be a matter of no importance to Great Britain and for us a mere matter of expediency which will cease to operate so soon as the several units in the Canadian federation realize that they can trust each other touching questions of provincial rights. Thus we await the coming of a workable national conscience. There is no other consummation more devoutly to be wished by us. Until that happy time arrives we must rest under the reproach that we have no complete judicature in Canada."

It comes as rather a shock to be informed editorially by a journal of the standing and influence of the CANADIAN BAR REVIEW that the right of a British subject in Canada to appeal to His Majesty-in-Council is a mere matter of expediency which will disappear as soon as the Provinces can learn to trust each other.

Without going into the merits of the arguments, pro and con, on the subject of the maintenance of appeals to the Privy Council concerning which many admirable articles have appeared recently in the REVIEW, I venture to protest against the statement that the maintenance of these appeals rests upon no more substantial foundation than the mutual distrust of the Provinces and the inference that in the attainment of a workable national conscience in Canada the appeal to His Majesty-in-Council must go.

I also venture to object to the statement that this right of appeal seems to be a matter of no importance to Great Britain, for it is inconceivable that the authorities in the Mother Country regard the taking away of the royal prerogative to hear appeals from His Majesty's subjects in Canada on questions concerning the liberty of the subject and constitutional rights, with its consequent effects on the other self-governing dominions, as a matter of no importance.

I also humbly venture to suggest to the writer of the editorial in question, and to yourself, Sir, that there is a large section of the public, lay and professional, in Canada, who regard the appeal to the foot of the throne as a right belonging to every British subject available as long as we owe allegiance to the Crown, and who look upon the appeal as the one remaining link connecting us with English case law and procedure, and giving us the advantage

of a unanimous decision of a board of legal experts composed not only of the judiciary in Great Britain but of Canada and the other self-governing dominions.

In conclusion, I respectfully submit as a Canadian born and brought up in Canada, that in maintaining the right of appeal to the Privy Council in proper cases we are not labouring under a reproach but flourishing in the enjoyment of a privilege.

I am, Sir, etc.,

E. PEPLER

Victoria, B.C., 17th March, 1930.
