DOMINION STATUS.*

PART II.

THE IMPERIAL CONFERENCES FROM 1911 TO 1923.

The 1911 Imperial Conference met in May of that year in the Foreign Office under the Presidency of Hon. H. H. Asquith, Premier of Great Britain. The Self-Governing Colonies represented included Canada, Australia, New Zealand, Union of South Africa and Newfoundland. This is the first time South Africa is represented at a Conference, after the union of the Colonies in 1910. It is also the first time the Imperial Conference or Colonial Conference had met under the presidency of the Prime Minister of Great Britain. The dominating note of the Conference as far as our study is concerned, is the insistence by all Governments upon complete local autonomy in the Dominions. The idea of an Imperial Federation however, had not been entirely given up by some of the Colonies. The Prime Minister struck a chord which was very popular in his opening remarks, he said:[1]

> Whether in this United Kingdom or in any one of the different communities which you represent, we each of us are, and we each of us intend to remain Master in our own Household. . .

Sir Wilfrid Laurier following the British Prime Minister, said that Canada was content with her lot and continued:

> If there is one foundation upon which the British Empire can live and ought to live, it is Imperial Unity based on local autonomy.

After the introductory remarks were made by all the Dominions, Sir Joseph Ward again reviewed the idea of an Imperial Federation by proposing an Imperial Council of State made up of representatives from all the self-governing parts of the Empire, advisory to the Imperial Government, on all questions affecting the interests of the Dominions. Sir Wilfrid Laurier of course made light of the idea of an Imperial Council and said that really what Sir Joseph Ward was proposing was a Legislative Council elected by the United Kingdom and the Dominions with power to spend money but no power to raise it and that such a system was absurd and

* The first part of this article appears on p. 32 *ante*.

[1] Parl. Papers Cd. 5741, page 1.

indefensible and absolutely impracticable. With this contention, Mr. Fisher of Australia agreed and other members of the Conference also thought it was hardly a workable scheme. Mr. Asquith could not accept it, because as he said:

> It would impair, if not destroy, the authority of the government of the United Kingdom in such grave matters as the conduct of foreign policy, the conclusion of treaties, the maintenance of peace or the declaration of war, and that the responsibilities of the Imperial Government in these matters could not be shared.

This shows clearly that the view of the Imperial Government at this time was that war, peace, foreign policy and the conclusion of all treaties were the special prerogatives of the United Kingdom. The discussion showed that the Dominions were absolutely opposed to any scheme which might impair their domestic autonomy and they were more interested in this than in considering the restriction on their status which Mr. Asquith had made. The result was that after meeting with continuous opposition, Sir Joseph Ward withdrew his motion.

The suggestion that Dominion affairs be a separate department and that an Imperial Secretariat be formed was again proposed. New Zealand introduced a resolution which considered it essential that the Department of the Dominions be separated from that of the Crown Colonies and that the High Commissioners be informed on matters affecting the Dominions with a view to their Governments expressing an opinion on the same, and that the High Commissioners be invited to consult with the foreign ministers on matters of foreign, industrial and social affairs in which the Overseas Dominions are interested, and the High Commissioners should become the sole channel of communication between Imperial and Dominion Governments, the Governors being given identical and simultaneous information. At the same time the resolution of South Africa desiring that all Dominion matters as well as permanent secretariat of the Imperial Conference be placed under the Prime Minister of the United Kingdom, was discussed.

Sir Wilfrid Laurier could see no need for a change in the existing organization of the Colonial Office. Mr. Malan of South Africa said that if the Dominion affairs were placed under the Prime Minister it would raise their Status, but the Prime Minister was of the opinion that it would be too big a task for anyone to be a Prime Minister and look after the affairs of the Dominion at the same time. The result was that the resolution was withdrawn.

The Dominions had only been lukewarm in favor of New Zealand's proposal and Great Britain had been politely against it.

Australia had been highly excited about the terms of the declaration of London in regard to the destruction of neutral ships and the treatment of contraband food articles and a resolution was introduced at the Conference regretting that the Dominons had not been consulted prior to the acceptance by the British delegates of the terms of the Declaration.

Mr. Fisher in introducing that resolution said that hitherto the Dominions had not been consulted prior to negotiations being entered upon by the Mother Country and other countries in regard to Treaties or Conventions and that he thought was a weak point in their position as self-governing communities. Being a family of Nations, he thought the time had come when they should be informed and if need be consulted before any Agreements were entered into with other countries, by which their interests were affected. Sir Edward Grey agreed that the Dominions should be consulted as far as practicable in treaties affecting them. Sir Wilfrid Laurier said that this already was a recognized practice in regard to commercial treaties, but that it was a far-reached proposition,

> that the Dominions should be consulted in regard to treaties negotiated by the Home Government because if consulted that meant actual commitment to the terms of such treaties and might imply the necessity to take part in a war.

and so he thought that the question of whether or not the Dominions might be consulted might be left to the discretion of the Home Government. It was however finally agreed that the Dominions should be informed and consulted in International agreements affecting the Dominions when time and opportunity and subject matter permitted. This it seems, was the first recognition by the Imperial Government at an Imperial Conference that the Dominions should be consulted at all in International matters affecting their interests.

Another resolution which as we have seen was, at a former Conference quietly shelved, came from Australia and it was that there should be a final Imperial Court of Appeal for the Dominions and Great Britain, and New Zealand moved that the Imperial Court of Appeal should include Judicial Representatives of the Dominions. Those in favor said that such a Court of Appeal would be a further stage in the direction of Imperial Unity, but South Africa was somewhat disinterested because by their constitution, appeals to the Privy Council, except the prerogative right of appeal, were barred.

Canada also appeared to be satisfied with the existing arrangements and Newfoundland was too. The British Government was not ready to set up an Imperial Court of Appeal for the whole Empire although they had already agreed to have colonial judges sit in the "Judicial Committee" when a colonial case was being heard. The result was that in the end the motion was again withdrawn.

A Resolution regarding shipping was introduced by New Zealand. It was to the effect that the Dominions had reached a stage of development where they should be entrusted with wider powers of legislation in respect to shipping. This resolution was voted for by Canada and New Zealand. Australia and South Africa did not vote because they held that their powers in regard to Merchant Shipping were plenary. Great Britain promised no redress and nothing has been done up to the present date to give Dominions greater powers in regard to controlling shipping, by repealing part of the Shipping Act of 1894, which as we have seen, is in part applicable to the Dominions.

In the natural course of events there would have been another Imperial Conference called to meet about the year 1915. By this time the whole Empire was bent on winning the war and the public men of Great Britain and the Dominions were already meeting on equal footing and engaging themselves with the problems at hand arising out of the Great World War.

In 1917 there assembled in London, the Imperial War Conference. The Governments of Canada, New Zealand, South Africa, Newfoundland and India were there represented. Sir Robert Borden, the war-time Premier of Canada, led Canada in her war efforts and because his counsel in war matters was valuable and because Canada's efforts in the Great War had really made the rank and file of English people see what a great country Canada was, Sir Robert was listened to at this Imperial Conference with great respect and was recognized as the man to give leadership in Intra Empire Relations. In the course of his opening remarks at the 1917 Conference he spoke as follows:

> I look forward to the development in the future along the lines of an increasingly equal status between the Dominions and the Mother Country. . . . I believe the Dominions fully realize the ideal of an Imperial Commonwealth of United Nations.

But this was not the business at hand and he had very little more to say about "Status." But Mr. Massey of New Zealand speaking at the same time, spoke of the possibility of a real Imperial Parliament, although admitting that the whole idea was a bit premature.

The practice of allowing the Dominion Premiers to meet at the "War Cabinet" of Great Britain whenever they happened to be in London had impressed Mr. Massey and he apparently was of the opinion that this was a great constitutional advance and was interested and anxious that the procedure should continue. He expressed his views of Dominion Status at the Conference in these words:

> We are coming together as United Nations of the Empire in equal terms so far as the population of the different parts of the Empire will allow.

But General Smuts considered the question of Intra Relations important and he stated his view of Dominion Status as follows:

> I think that though in practice there is great freedom, yet in actual theory the Status of the Dominions is of a subject character. . . . We are subject provinces of Great Britain and theory still permeates practice to some extent. . . The Governments of the Dominions as equal Governments of the King in the British Commonwealth will have to be considered far more fully than it is done to-day, at any rate in theory of the constitution, if not in the practice.

General Smuts advocated as a practical matter some system of continuous consultation in Empire affairs by Great Britain with the Dominions.

Sir Joseph Ward of New Zealand frankly recognized the supremacy of the Imperial Parliament but his contribution to a larger partnership by way of Imperial Conferences was in the form of a suggestion that all important political parties in the various Dominions should be represented at the Conferences. This idea has not been well received, the various Governments taking the position that they have to justify their stand on various matters discussed and if the people at home are not satisfied they have the right at election time to dismiss them, and that if the parts in the various Dominions were all represented, the Dominion delegates would not speak with one voice but would advocate contrary policies and if this were the case no progress could be made.

The Dominions, while recognizing that the 1917 Conference mainly met for the purpose of discussing questions arising out of the war, felt their growth in stature, and could not let the Conference go by without placing on record their views, so a resolution much further reaching in its portent than anything hitherto passed. was passed in the following form:[2]

> The Imperial War Conferences are of the opinion that the readjustment of the Constitutional relations of the component parts of the Empire is too

[2] Can. Sess. Papers, 1917, 42A.

important and intricate a subject to be dealt with during the war and should form the subject of a special Conference to be summoned as soon as possible after the cessation of the hostilities. They deem it their duty, however, to place on record their view that any such readjustment while thoroughly preserving all existing powers of self-government and complete control of Domestic Affairs should be based upon a full conception of the Dominions as autonomous nations of an Imperial Commonwealth and of India as an important portion of the same, should recognize the right of the Dominions and India to an adequate voice in Foreign Policy and in foreign relations and should provide effective arrangements for continuous consultation in all important matters of Common Imperial concern and for such necessary concerted action founded on consultation as the several Governments may determine.

It will be seen that this resolution laid out for them in a general way, the course to be followed by the first Conference to be summoned after the War and the Conference was to be called expressly for the purpose of discussing Intra Empire Relations. It was agreed at this Conference of 1917 that matters that were thought to be of great Imperial concern could be communicated by the Dominion Premiers direct with the Imperial Government, but until after the 1926 Imperial Conference this practice, except in very exceptional circumstances, was not the common one.

Before the War ended there was another Imperial War Conference convened in 1918.[3] It dealt for the most part with problems arising directly out of the War, such as communications, but the question of an Imperial Court of Appeal was again discussed and a resolution was passed suggesting that consideration of an Imperial Court of Appeal demands the prompt consideration of His Majesty's Government and it was agreed that His Majesty's Government in Great Britain should submit some proposals to the Dominions along the line of establishing an Imperial Court of Appeal with a view to discussion on the subject more fully and more finally at the next Imperial Conference.

The First Conference to be called after the War was held in London in 1921. This Conference was called a Conference of Prime Ministers and there were not nearly so many resolutions proposed as there were at other Conferences. Lloyd George, Britain's Prime Minister, presided and his speeches were apparently made in a very generous mood and possibly are not as strictly accurate as they might be. In the course of his remarks, speaking on Intra Empire Relations, he stated:

In recognition of their services and achievements during the War the British Dominions have now been accepted fully into the Comity of Nations

[3] Cd. 9177.

by the whole world; they are signatories to the Treaty of Varsailles and all the other treaties of peace, they are members of the Assembly of the League of Nations and their representatives have already attended meetings of the League; in other words they have achieved full National Status and they now stand beside the United Kingdom as equal partners and share the responsibilities of the British Commonwealth. If there are any means by which that Status can be rendered even clearer to their own communities and to the world at large, we shall be glad to have them put forward at this Conference.

Mr. Hughes of Australia, upholding the Status of the Dominions, said that their share in foreign policy must be real, must be one of substance and not merely shadow, but he apparently did not think it wise to definitely advocate certain constitutional changes for he is at a loss to know why there should be a Constitutional Conference, and he answered in these words:

> What could the Dominions do as independent nations that they could not do now? . . . In effect we have all the rights of self-government enjoyed by independent nations. . . . It is true there is a sentiment, a figment, a few ancient forms, there is what Sir Frederick Pollock calls the figment of the right of the British Parliament to make laws affecting the Dominions. . . . The difference between the status of the Dominions now and twenty-five years ago is very great. We were colonies, we became Dominions, we have been accorded the status of nations.

Surely if this statement is correct, there was no need to state the Status of the Dominions as was done at the last Imperial Conference, for that Status had already been attained in 1921.

Mr. Massey, of New Zealand, clinging dearly to the remaining vestiges of the Colonial theory and wishing to take some of the glamour away from the remarks of Mr. Lloyd George and Mr. Hughes, expresses a great fear lest the road to equality of status has not already been travelled too far. He says:

> Ever since the signatures of the representatives of the Dominions were attached to the Peace Treaty at Versailles in June 28th, 1919, there has been a feeling on the part of many intelligent men and women that the future of the Empire may possibly have been endangered. . . . What I mean is this, that I have seen it repeatedly stated that the Dominions had acquired complete independence. . . . I do not agree with that view. . . . These latter treaties (involving war, peace or foreign policy) a Dominion has not the right to enter into.

It may be recalled that a Resolution of the 1917 Conference had been to the effect that Constitutional matters should be particularly dealt with at the first Conference after the War, but at this Conference of 1921, no attempt was made to lay down in language the Status of the Dominions but the Conference seemed content with a

few resolutions concerning Status, one of which was that the practice of direct communications between the Prime Ministers of the United Kingdom and the Prime Ministers of the Dominions should be maintained.

In matters of foreign policy however, this Conference turned out to be quite important. It so happened that the question of the renewal of the alliance with Japan, was at the time of the meeting of this Conference, actively engaging the attention of Great Britain and Great Britain took this opportunity of finding out what the opinion of the Empire was concerning the proposed Renewal of the Alliance. It is now generally known and admitted that it was Mr. Meighen's objection to renewal upon the ground that a further alliance would find great disfavour in the United States, that resulted in the alliance with Japan not being renewed. This was an instance in which the Dominion influence was really the determining factor in Empire Foreign Policy and the medium was the Imperial Conference.

Although a suggestion was made in 1921 that Conferences should be called annually, it was not until 1923 that the next one assembled.[4] This time the Conference was opened by the then Premier of Great Britain, Mr. Stanley Baldwin, who outlined the agenda for the Conference and summarized world conditions as they affect the whole British Empire. He said little concerning the Constitutional Status of the component parts of the Empire, but the sense of Unity of the Empire was greatly stressed. Speaking about the absence of any ties of Empire except self-interest, and the sense of duty in men to each other, Mr. Baldwin said:

> We stand here on an equal footing and no Government present in this Chamber can bind the rest. We can act with effect so far as we agree and no farther.

The Secretary of State for the Colonies gave a review of the work of his department as it had to do with the Colonies, Protectorates and Mandated Territories, and in his speech he strongly suggested that Great Britain will soon be looking, if not already, to the Dominions to share the trusteeship of Empire which she hitherto has exclusively enjoyed. What other meaning could be taken from these words?

> Although the destinies of these great dependencies of the Crown are the immediate responsibility and trust of the British Government, it would be wrong if it were to be supposed that the moral and material progress and de-

[4] Br. Parl. Papers Cmd. 1987.

velopment of these large areas were not of increasing importance to all the partners in the British Empire, and it is the constant aim and endeavour of the Colonial Office to foster the interest of the Overseas Dominions in these great territories and so to stimulate Imperial Trade.

This view is one which up to the present time, has been all too uncommonly heard, not only from the leading statesmen of the Dominions, but by the statesmen of Great Britain, because if the Commonwealth of Nations is to be founded upon a real and equal partnership, the Dominions must, as time goes on, take an increasingly active interest in all the parts of the Empire and assume certain responsibilities in connection therewith.

Occasion was again taken to review the foreign policy of the Empire and statements were made by Lord Robert Cecil and various Dominion representatives concerning the work of the League of Nations.

The Constitutional relationship of the Dominions and the Imperial Government, in so far as such relations have to do with treaties, was very fully discussed and a representative committee went carefully into the matter of treaty-making, and the principles which should govern the relations of the various parts of the Empire in connection with the negotiations preliminary to and the signature and ratification of treaties. It was considered necessary that some form of concerted or common action in the making of treaties be laid down. The Halibut Fisheries Treaty in which Canada successfully contended that the Treaty affected Canadian interests alone and so should be signed by Canadian Plenipotentiaries alone and not by British and Canadian Plenipotentiaries, was one instance which brought to the attention of the Conference this necessity for some common form of action in Treaty matters.

An interesting detail about this Halibut Treaty was that the United States Senate first ratified it with a "rider" which had the effect of binding not only Canadian Nationals but British Nationals under its terms. If this had been allowed to remain it would have been a recognition that Canada could conclude a Treaty with only Canadian Plenipotentiaries signing which would actually bind the whole Empire, but happily a conversation which Premier King is alleged to have had with Secretary Kellogg at the Harvard Convocation apparently smoothed matters out and the Senate withdrew their "rider," which made the Treaty applicable to Canadian Nationals alone.

The recommendations which this Conference brought in concerning the mode of the making of Treaties, were in the main as follows,—That consideration should be given to the possible affect on other parts of the Empire and the parts of the Empire interested should before the Treaty is negotiated, be informed concerning the scope and content of the proposed Treaty and the Treaty imposing obligations on one part of the Empire should be signed with full power issued to its representative, and care taken to make the scope of the same clear. Where it affects the Empire there should be a British Empire Delegation who have exchanged views during and before negotiations, and the Treaty should be signed by different plenipotentiaries on behalf of all the Governments of the Empire taking part in the making of the Treaty.

An interesting development of the 1925 Conference is that when one part of the Empire desires to negotiate a Treaty with a foreign power, all other parts *must* be informed of the intention and proposed scope of the Treaty and it is no longer left to the discretion of that part of the Empire negotiating the Treaty to decide whether it is likely to affect any other part. The 1926 Conference really did the work which the 1917 Conference suggested should be the subject of a special Conference to be called as soon as possible after the cessation of hostilities. We commenced our observations with a summary of the reports of the 1926 Conference and have seen by what gradual steps relations have broadened out and grown so that they could be stated even as definitely as they were stated in the 1926 report. It may be recalled that the 1926 report defines the relation of the Self-governing Dominions and Great Britain as follows,—"They are autonomous Communities within the British Empire, equal in Status, in no way subordinate one to another, in any aspect of their domestic or external affairs, there united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations." While only thirty-two years before the British Government had agreed that Sir Henry Wrixon had correctly expressed Great Britain's view of Colonial Status in the words,—"Each Nation is an entity as regards every other Nation. I have no knowledge of how you could recognize a part of the Empire making arrangements for itself (trade treaties). Everything must be done through the Head of the Empire when we are dealing with Foreign Nations." These two statements read together give some idea of the growth of the Dominions in Constitutional Status.

THE JUDICIAL COMMITTEE AND THE DOMINIONS.

This part of our subject relates to the Constitutional Status of the Dominions and Great Britain as revealed by the views expressed by the Judicial Committee of the Privy Council in concrete cases. First then, let us get a picture void of detail of the history of the Judicial Committee of the Privy Council and what it in effect now really is.

From the time when Britons were first ruled by a King it has been the traditional right of every British subject who sought redress in any manner, to take his petition, if the King would hear it, right to the "Foot of the Throne," upon which the King was supposed to be always sitting. This right, in modified form of course, still exists. When the Kingdom grew it became impossible for the King to personally hear petitions from all the subjects who wished to bring their grievances before him. He delegated to his Great or Privy Council the power to hear these petitions and they would, upon hearing them, make a report to the King who would give effect to the report by signing an Order-in-Council. Still later these Appeals took on a more judicial form and the Appeals from Courts and Semi-Judicial Petitions came to be referred to the Committee of the King's Privy Council, who soon became known as the Judicial Committee of the Privy Council. This Committee made a report to the King-in-Council and effect was given to the report as accepted by the King's Privy Council, by the signature of the King. The Judicial Committee of the King's Privy Council was for many years the final tribunal of appeal from all British Courts and from Petitions from all individual subjects in the whole British Empire. The Petitions from subjects of course became fewer and fewer as a proper judicial system for hearing disputes by the subjects, grew up until the time came when the Appeals to the Judicial Committee of the Privy Council were practically all from the judgments of the Judicial Tribunals or Courts.

When the Empire was expanding and the United Kingdom was broadening into being, the King-in-Council gave up his prerogative right to hear final appeals from the Courts of the United Kingdom and Ireland, and in this part of the Empire the House of Lords became the final Appeal Tribunal as it remains today. But the King's Privy Council still continues to hear appeals from all the rest of the Empire and by the Judicial Committee Act of 1844, which is in force today, the Crown-in-Council is given the prerogative right to hear Appeals from any Court of Justice in any British Colony or posses-

sion, and the Crown-in-Council in this matter really means the Judicial Committee of the Privy Council. In certain particular instances of course the right of Appeal has been by express legislation of Great Britain, modified.

To what extent then can and does the Judicial Committee hear Appeals from the various Courts of the Dominions and how is it at present constituted? The persons who may sit as Judges in the Judicial Committee of the Privy Council are: The Lord Chancellor; the four Lords of Appeal. All those who have held high Judicial offices; two Indian Judges and certain Judges of the Superior Courts of the Dominion named in that behalf by His Majesty-in-Council, if they are members of His Majesty's Privy Council, provided their number does not at any time exceed five. According to recent press dispatches the number of Lords of Appeal is to be increased.

Under the Appellate Jurisdiction Act of 1908, power is given to direct a Colonial Judge to act as Assessor to the Judicial Committee on the hearing of Appeals from his Colony. The administrative expense of the Judicial Committee is borne entirely by Great Britain and the number of cases in which Colonial Judges actually sit as Judges or as Assessors, is relatively small, and the Colonial Judges may only sit when an Appeal is being heard from the Dominions in whose Courts they have been Judges.

The British North America Act gives each Province of Canada the organization of its Courts and as a result it is for each Province to say whether an Appeal as of right shall lie to the Privy Council or not. An appeal may lie from certain Courts in the Province to the Supreme Court of Appeal, and by the Supreme Court Act (Canada) no Appeal shall lie from that Court to the Privy Council as of right, but in practice the Privy Council grants leave to appeal to itself from the Supreme Court of Canada in constitutional cases by reference to which it is well understood that the leave will be granted by the Privy Council to hear such Appeals. In any event the Privy Council may by its prerogative right, grant leave to appeal from the Provincial Courts.

In Australia, the prerogative right to hear Appeals from the High Court in constitutional questions has been surrendered by the Commonwealth Act, although the High Court may grant leave to the litigants to carry their Appeal to the Privy Council. The prerogative right to hear Appeals from the Australian State Courts still exists although the weight of evidence seems to make the matter

beyond question that this was not the intention when the Commonwealth Act was passed.

In South Africa from the various states, there is only an Appeal to the Supreme Court of South Africa and no Appeals lie as of right, to the Privy Council and as Roman-Dutch law is in force in South Africa, the result is that the number of Appeals coming from that Dominion is very few indeed.

No appeal lies as of right from the Supreme Court of New Zealand to any other Court of Law, but the prerogative right of the Privy Council to hear Appeals still exists. The Privy Council retains the prerogative right to hear Appeals from the Courts of the Irish Free State. The Privy Council Appeals mainly consist of Appeals from the Appellate Courts in the Dominions and all disputes between the States and Federal Governments as to jurisdiction and validity of Statutes. Questions which relate to the power of making Treaties, declaring War or Peace and similar questions which affect International Status, can never become a subject of Judicial investigation by the Privy Council because these are really questions of International Law and International Law does not apply as between a Municipal Court and the Sovereign of the country in which the Court is established.[5]

The Privy Council has itself, limited the cases in which it will grant leave to have Appeals heard by itself. The case of *Clergue* v. *Murray*,[6] Lord Davey lays down the rule that before the Privy Council will grant leave to Appeal, the Judicial Committee must be satisfied that:

> The case is of gravity, involving matters of public interest or some important question of law or affecting property on considerable amount or where the case is otherwise of some public importance.

The rule was first laid down in the case of *Prince* v. *Gagne*.[7] And in criminal matters the policy of the Judicial Committee has been defined in the case of *Armour* v. *The King Emperor*,[8] as follows:

> This Committee is not a Court of Criminal Appeal. It may in general be stated that its practice is to the following effect: It is not guided by the Appellant's own doubt or suspicion of his guilt. It will not interfere with the

[5] *Damodhar Gordhan* v. *Devram Kangi*, (1876) (1) A. C. 352—The Lord Chancellor at page 353.

[6] [1923] A. C. 521 at p. 522.

[7] (1883) A. C. 103.

[8] [1914] A. C. 644.

course of criminal law unless there has been such an interference with the elementary rights of the accused as has placed him outside the pale of the regular law, or unless within the pale there has been a violation of the natural principles of justice so demonstratively manifest, as to convince their Lordships firstly,—that the result arrived at was opposite to which their Lordships would themselves have reached, and secondly,—that the same opposite result would have been reached by the local tribunal also if the alleged defect or misdirection had been avoided.

(To be continued.)

Oshawa. J. C. ANDERSON.

ENGLISH JUSTICE.—In less than four months after the failure of his fraudulent and defrauded stock companies Clarence C. Hatry is sentenced to fourteen years' penal servitude, while his three associates also get stern jail sentences. This is English justice. In America Mr. Hatry and his friends would probably be rolling around on bail, while their high-priced attorneys took advantage of every move to delay the trial until the witnesses had died, moved away or forgotten. Then would come a four-month fight over getting the jury, then a hypothetical question several thousand words long, then an "immunity bath" plea and, at least, a verdict. But only a preliminary verdict. A motion for a new trial would be granted and another year would go by. And if, finally, it got to the Supreme Court and a most improbable verdict of guilty were upheld, we should then see the distinguished convict made drug clerk at the prison and sent out daily in an automobile "to get supplies." Yes, there are some things about the English system of justice which we quite prefer to our own.—*New York Evening Post.*