

2. *British Financial Interests*.—Although some of the Canadian newspapers have suggested that the reports of the Judicial Committee to the King are sometimes influenced by too careful regard for moneyed interests, all that can fairly be said is that their Lordships sometimes display unusual astuteness in devising unsubstantial arguments in support of the investor, and that similar cleverness, tending to contrary conclusion, is never observable. Turn back, for example, to the indefensible decisions in the case relating to the prerogative of the Lieutenant-Governors(a); the Australian sugar case(b); the Winnipeg Street Railway case(c); and the Grand Trunk Railway case(d). Proof, indeed, is quite unnecessary, for one of the grounds put forward by Mr. Chamberlain for his refusal to agree to the provisions in the draft of the Australian Commonwealth Bill, limiting appeals to the Judicial Committee, was that the British Government was under bounden duty (*Italics now added*)—

"to protect the interests of the United Kingdom and of other parts of the Empire which are also committed to their charge. The question of the right of appeal must also be looked at from the point of view of the *very large class of persons interested in Australian securities or Australian undertakings, who are domiciled in the United Kingdom*" (e).

The reply of the Australian delegates to all these reasonings was rather good:

"British investors are content to lay out their money in other parts of the world under alien laws interpreted by alien tribunals. Australians will be prone to doubt that such investors can be seriously alarmed at the proposal of having afforded to their investments in Australia the security of British laws administered by British judges, a security which will never be questioned"(f).

Dealing with Mr. Chamberlain's appeal to "the links of Empire," the delegates said:

"The consciousness of kinship, the consciousness of a common blood and a common sense of duty, the pride of their race and history, these are the links of Empire; bands which attach, not bonds which chafe. When the Australian fights for the Empire, he is inspired by those sentiments; but *no patriotism was ever inspired or sustained by any thought of the Privy Council*" (g).

#### SUMMARY.

Summing up what has been said, my contention is that we ought to cease sending our cases to the Privy Council in London for the following, amongst other, reasons:

- (a) Ante, p. 12
- (b) Ante, p. 12
- (c) Ante, p. 14
- (d) Ante, p. 16
- (e) Ewart: *The Kingdom of Canada*, p. 232.
- (f) *Ibid.*, p. 233.
- (g) *Ibid.*, p. 234.