

2. That the plaintiff had, at this time, rested thirteen years upon his own bill, and therefore to allow him Indian interest would be to make him a gainer by his own delay.

But the Court decided:

"If a man has my money by way of loan, he ought to answer interest; but if he detains my money from me wrongfully, he ought, fortiori, to answer interest. And it is still stronger where one by wrong takes from me either my money or my goods which I am bringing with, in order to turn them into money.

"Therefore, let the defendants pay interest; and this being transacted in the Indies, where the person who acted by authority under them, and for their use, must be presumed to have made the common advantage that money yields there, the company must answer the interest of that country."

This case was affirmed on appeal to the House of Lords. Referring to interest, Mr. Davies in his introduction to his notes on treaties, says:

"According to the usage of nations, it is a necessary part of a just national indemnification."

2, Brown's Parliamentary Cases, p. 382.

Intro. Note J. C. B. Davies, Notes on Treaties, page 20.

And see *Law vs. East India Co.*, 4 Ves. 824.

And *Heathcote vs. Hulme*, 1819, 1 Jac. & W., 122 at 124.

Reference is also made to the case of the "*Costa Rica Packet*."

Papers presented to both Houses of Parliament by command of Her Britannic Majesty, May, 1897, "Commercial No. 3, 1897."

Applying to the present case the principle underlying the above quoted authorities, that interest is due as an element of indemnity, it follows that such interest must be calculated at the current rate at the place where the injury was committed to make the indemnity complete.

The principle is the more applicable in cases where private individuals have been injured by a nation, they having no means of pressing their claims.

"A."

This is the Exhibit marked "A" referred to in the declaration of James Hill Lawson, declared before me this 28th day of December, 1912.

A. G. S. HEISTERMAN,

Notary Public in and for the Province of British Columbia.