

Colonial Court of Appeal. To the former are sent appeals from the Courts of England, Ireland, and Scotland; to the latter appeals from India and the colonies. Each tribunal is independent of the other, each is final. Each states authoritatively and as a court of last resort what the law is. No matter how utterly a decision of the Privy Council may differ from one in the House of Lords, there is an end of the matter. The Judicial Committee's decision is final. A proposition may be affirmed as law by the Judicial Committee; it may be negatived by the House of Lords. The law is as the Judicial Committee declares it, and also as the House of Lords declares it. Theoretically the affirmative and negative of the same proposition are each true for different parts of the Empire. And there is no judicial authority to get rid of the absurdity."

As a result a law suit between a merchant resident in Liverpool and one resident in Toronto may be finally determined in favour of the Liverpool merchant if he brings his action in England, in which case it would go in the last resort to the House of Lords, or in favour of the Toronto merchant if he institutes proceedings in Canada, in which case the ultimate appeal may be to the Privy Council. It is exceedingly unsatisfactory that the final decision in a legal controversy should depend upon where the proceedings happen to be commenced. *Misera est servitus ubi jus est vagum.*

Moreover, the Judicial Committee of the Privy Council, "that far-reaching engine of Imperial Justice, which examines impartially the legality of the actions of the Queen's meanest subject and the Queen's Imperial Government," is yet, strange to say, not on a level for practical purposes with the House of Lords, and its decisions, though regarded with respect, are not considered as binding by the Municipal Courts of Great Britain and Ireland.

Bramwell, L.J., in giving judgment in a case in the Court of Appeal thus refers to a decision of the Judicial Committee relied on by Counsel: "We think that case justifies his argument and is in point. We are not bound by its authority, but we need hardly say that we should treat any decision of that tribunal with the greatest respect, and rejoice if we could agree with it. But we cannot." *Leask v. Scott*, L.R. 2, Q.B.D. 376. And the Judges of the Exchequer Division in Ireland speak of a decision of the Privy Council as one which "possibly, were there no decision the other way," they would "from courtesy, defer to," but as one "which, in