

thus settled the rule on this point for all the oversea dominions as well as Australia. Last year a similar case came before the House of Lords on appeal from the Court of Appeal in England: (*London Joint Stock Bank v. Macmillan*, 119 L.T. Rep. 387; (1918) A.C. 777). It was held that the banker was not liable, and that the loss must fall on the customer himself. Thus, under such circumstances, a banker will be liable overseas, but not in the United Kingdom, unless in any of the oversea dominions an alteration in the rule is made by statute. The divergence between the House of Lords decision and that of the Privy Council in this instance is particularly striking, as the Court of Appeal had followed *Colonial Bank of Australasia v. Marshall* and was reversed by the House of Lords.

The smaller class of cases in which the Privy Council and the oversea courts have differed has chiefly been brought into existence by the provisions of the Australian Commonwealth constitution, by which the High Court of Australia, and not the Privy Council, is made the ultimate court of appeal in matters relating to the interpretation of the constitution. In *Webb v. Outrim* (95 L.T. Rep. 850; (1905) A.C. 81), the Judicial Committee disagreed with the High Court of Australia's decision in *Deakin v. Webb* (1904, 1 Commonw. L. Rep. 585), on a matter relating to the interpretation of the Australian constitution, and in *Baxter v. Commissioners of Taxation* (1907, 4 Commonw. L. Rep. 1087), the High Court of Australia definitely declined to accept the views of the Privy Council. Even if no such further disagreements occur between the Australian court and the Judicial Committee—and Australian legislation will probably prevent this—the setting up of the Australian court as the ultimate interpreter of the constitution of a component part of the Empire is an evil in itself. Apparently there is no direct remedy available, but it would be a gain to the Empire as a whole if an appellate court could be set up in London which would so command the respect of Australia as to bring about the abrogation of such of the provisions of the constitution as prevent appeals on constitutional points being carried further than the High Court of Australia. This seems the more desirable, because, apart from the disagreements already