

*What facts may be considered?*—As to whether the interpretation of a constitution can be aided by observation of its antecedents, the Privy Council has given us contradictory rulings. In one case (a), their Lordships said:

"It is, indeed, an expansion of the canon of interpretation in question to consider the knowledge of those who framed the constitution and their supposed preference for this or that model which might have been in their minds. Their Lordships are not able to acquiesce in any such principle of interpretation." (b).

But in a later case (c), the following much more reasonable, but wholly contradictory, statement was made:

"In fashioning the constitution of the Commonwealth of Australia, the principle established by the United States was adopted in preference to that chosen by Canada. It is a matter of historical knowledge that in Australia the work of fashioning the future constitution was one which occupied years of preparation through the medium of conventions and conferences in which the most distinguished statesmen of Australia took part."

*The Succession-Duty Cases.*—The series of decisions of the Privy Council in connection with succession-duty statutes is a series of contradictions. There are two ways of regarding the locality of personal estates: They may be regarded as existing in the place where they physically are situated; or they may be deemed to exist in the locality in which their owner resides. Which of these ways was to be applied to estates under the colonial statutes, was the question that came before their Lordships in a series of cases. In the first of them, the court took the view which we may speak of as the physical (d). In the second (e), without referring to their former decision, their Lordships decided the other way. In the third (f), their Lordships agreed with the second. In the fourth (g), their Lordships returned to the view which they had announced in the first. In the fifth (h) their Lordships differed with numbers one and four and upheld numbers two and three. And in the sixth (i), all of the previous decisions were rendered useless by the holding that a succession-duty tax was an indirect

(a) *Webb v. Outrim*, 1906, A.C. 90.

(b) In the court appealed from (Australia) the Chief Justice had said that his court was entitled to assume that some of the framers of the Australian constitution were familiar with the constitution of the United States, and added "When, therefore, under these circumstances, we find embodied in the constitution, provisions undistinguishable in substance, though varied in form, from provisions of the constitution of the United States which had long since been judicially interpreted by the Supreme Court of that Republic, it is not an unreasonable inference that its framers intended that like provisions should receive like interpretation." Com. L.R. p. 113.

(c) *Attorney-General v. Colonial Sugar Refining Co.*, 1914, A.C. 237.

(d) *Blackwood v. Reg.*, 1882, A.C. 82.

(e) *Harding v. Commissioners, &c.*, 1898, A.C. 769.

(f) *Lambe v. Manuel*, 1903, A.C. 68.

(g) *Woodruff Case*, 1908, A.C. 508.

(h) *Rex v. Lovitt*, 1912, A.C. 212.

(i) *Cotton v. The King*, 1914, A.C. 176.