

passage of the Dominion statute, validly enact a similar statute; although that is obviously incorrect.

VII. Their Lordships have argued that the appeal to the Privy Council "removes causes from the influence of local prepossession." Unfortunately, it does remove cases from Canadian prepossession, and places them under prepossession of opposing character in London. English lawyers very wisely will not permit their cases to be removed from local prepossession, and submitted to judges with different prepossessions. Note the following—

(1) British prepossession has induced their Lordships to say that there is really no such thing as an unconstitutional statute.

(2) Similar prepossession has induced their Lordships to say that the Canadian constitution is not of federal character.

(3) Similar prepossession has induced their Lordships to hold that the Canadian Lieutenant-Governors have a prerogative right to charter joint stock companies.

(4) Similar prepossession has induced their Lordships to hold that the federal parliament of Australia has no authority to pass a statute authorizing the government of the day to issue a commission for the purpose of obtaining information which might (in their Lordships' language)

"be relevant, or even necessary, for the guidance of the legislature in the possible exercise of its powers."

VIII. Whether owing to multiplicity of engagements, or to the absence of such a feeling of responsibility as Judges of the regular courts acknowledge, the fact is that, not infrequently, cases are disposed of by the Privy Council in palpably unsatisfactory form, and with unjust results. For example—

(1) In one case their Lordships disposed of the principal point in debate by saying quite erroneously, that Counsel had conceded it.

(2) Their Lordships declared that the imposition of succession duties was *ultra vires* of the Quebec Legislature. But in so holding, their Lordships completely misread the provisions of the statute, and left everybody in doubt as to what would have been held if they had more carefully observed the language with which they were dealing.

(3) In another (a \$13,000,000) case, their Lordships were able to decide in favor of the Grand Trunk Railway bondholders by going completely astray on two very important matters:—

(A) They said that to hold otherwise would be to sanction a breach of faith with the Grand Trunk Railway Company—not