

THE Daily Gleaner.

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The Judicial Committee of the Privy Council.

CONSIDERABLE interest has been aroused in colonial legal circles by the announcement in the KING'S Speech to Parliament that a measure is to be introduced providing for certain changes in the constitution of the Court of Final Appeal which are rendered necessary in consequence of the increased resort to it which has resulted from the expansion of the Empire during the last two generations. What these changes are is not known and there is some doubt as to the significance of the circumstance. It is thought by some that the step is intended to be an indication of the interest taken in the colonies by His MAJESTY'S Government and a concession to Imperialistic sentiment; while others believe that the changes are really necessary if the Judicial Committee of the Privy Council is to continue to exist. This latter assumption gains credence from the fact that in spite of the assurance in the message that there has been an increased resort to the Court, the appeals have not been so frequent as formerly. It is only from the Australasian colonies that there has been an increased inflow of business, and it is well known that the feeling in the legal profession there is to discontinue the sending of appeals to England and to establish in the Commonwealth itself a final Court of Appeal.

It may be, therefore, that the provisions in the Judicial Committee foresee some restriction of the range and influence of the Court, and are endeavouring to safeguard its authority and power by the changes foreshadowed in the KING'S address. If this be the case it is hardly possible that they will be successful. Thinking men are not adverse to a great final Court of Appeal for the Empire, but they believe that the Judicial Committee has served its turn and is now out of joint with the conditions of the times. Latterly the character of the appeals have varied very much and have involved questions of complex local usage and jurisprudence which are altogether different from the principles in force in England. The members of the Committee are the highest legal authorities in the land yet it is impossible for them to transport themselves completely into the circumstances and systems which rule in some of the colonies and dependencies. Appeals from India involving complex matters of Hindu law and from Dutch litigants in South Africa, for example, have brought up questions which were quite unknown in the early days of the Committee, and it has been frequently remarked that the decisions have been characterised by poverty of appreciation of the points raised, and they have not given the satisfaction which the judgments of such a tribunal ought to impart. This, perhaps, is not the case with appeals from the West Indies, the questions submitted for determination being similar to those which the judges are accustomed to adjudicate on in England. They are usually matters relating to the right interpretation of British laws or the common rights of parties in ordinary business transactions, and do not deal with native customs or ancient systems of law. It is not to be wondered at, therefore, that colonial suitors and lawyers are beginning to question the expediency of the continuation of the committee, and this feeling is aggravated by the cumbersome procedure in connection with the Court, the delays that are occasioned, the expense incurred, and the manner of delivering judgments.

To meet the complaint regarding the treatment of difficult local questions several colonial Chief Justices were some years ago made members of the Privy Council, but this concession, it is said, does not meet the case since a colonial Justice must necessarily, as a rule, be on his own bench. It is, therefore, proposed that there should be a new tribunal in which representatives of the Empire would sit. In a recent speech Mr. HALDANE outlined such a scheme as follows:—"In an Empire such as ours, surely there is room for a great and final arbiter or tribunal chosen not from one locality, but selected from the best brains of the various peoples and various localities which compose that Empire, a tribunal to which appeal might be made in the last resort for the sake of uniformity in great and governing principles. The institution of such a tribunal seems to grow, almost of necessity, out of our common constitution." The *Times* supports this proposal and, discussing how it could be realised says: "Many favour a change which would make the Judicial Committee and the House of Lords in its judicial capacity one great tribunal. The result would be that the present colonial members would sit in the House of Lords, thus strengthening the legal element and enabling them to be the spokesmen of the communities from which they came. Such a change involves no insuperable constitutional difficulties. Certainly no solution will be satisfactory which does not provide representation for the best judicial elements in the Empire. The chain binding together all parts of the Empire is a moral tie. There can be no stronger link in that chain than the existence of general confidence in the wisdom of the Court of Imperial Justice." Certainly, if this almost ideal scheme were brought about it would serve to knit together the people of the Empire. It would be a step towards Imperial federation.

The Emigration of Labourers to Costa Rica.

It is a question whether there are not more Jamaican labourers working in Costa Rica at present than there are in Ecuador. Batches of twenty, forty, sixty, a hundred, and even more are constantly going down to the United Fruit Co.'s extensive plantations round Port Limon. A good many return every month, generally with some money saved; but the number in the republic gradually increases, and must now total thousands. The men do not go under a signed contract, like the McDonald Coy's labourers, for Costa Rica is a country proclaimed under the law. Each man has to get two respectable persons to stand security for the repayment of his passage home to Jamaica in the event of his having to be repatriated by the British Consular authorities. It seems, from all we can gather, that these labourers are well treated by the United Fruit Coy's people in Costa Rica. Some time ago a few men came back and told the Government they had been ill used. Careful inquiry, for which the United Fruit Company afforded every facility, was made, and the complaints were proved to be groundless. The men were lazy fellows who had shirked their work and ran away. I might, perhaps, be well for the Government to consider whether the purpose of the law should be evaded to such an extent as to allow thousands of our labourers to emigrate to a foreign country without any arrangements being made for their protection. As it happens, they are well treated. But they might not be, and the principle is dangerous.

Cuba

Despite the fact that Cuba is to play at being a nation for a time, the development of that island is proceeding apace. It is announced that General Fitzhugh Lee has accepted the presidency of a large Cuban land company in the island of Cuba and will return to Havana soon to assume active management of its affairs. The Company is reported to have big concessions on various large sections of lands and options upon all lands around Cienfuegos Harbour, west of Havana, and at Bahia Honda, in the Pinar del Rio region, as well as valuable lands along the line of the old military *fuerza* of General Weyler, in Moriel Majara, upon which the towns of Artemisa and Guatimay are located. According to the reports, the company intends laying out a model American town, fronting deep water, upon the north coast of western Cuba. This is said to be the consummation of an enterprise in which Mr. Minor C. Keith, of Babylon, N.Y., one of the leading spirits of the United Fruit Co., is the prime mover. We have read that the United Fruit Co. is largely interested in this undertaking, and there can be no doubt that that company is increasing its Cuban holdings by leaps and bounds. The idea of a Cuban republic does not seem to have made capital ship. Perhaps the capitalists think that by the time they have cleared the land and got the first crop ready, the island will be a colony of the United States.

The Experiment Station.

THE Governor has laid before the Council the details of the scheme for leasing land for an experiment station in St. Catherine. To the station itself there can be no possible objection. It is an institution that naturally belongs to a country which relies on agricultural production for its prosperity and advancement. It cannot be said, however, that the Governor's message (printed on page 8) on the subject of the acquisition of the land is very illuminating. It gives one the impression that the land is to be used mainly for the cultivation of vegetables for the supply of the Prison, and for the training of the prisoners. The whole project will require to be very carefully gone into by the elected members before supporting the measure.

IN MEMORIAM

K—, N—.

Let us pass over unto the other side
—Mark IV. 36

"Let us pass over to the other side."
He said; for she was weary, and her feet
Were failing; fiercely had the noonday
heat
Beaten on her head, while, faint and sick,
she tried
To labour on;—"The field was all so
wide,
The labourers few." Ah, but her rest is
sweet!
And sweeter still the Master's face, re-
plete
With love no airy clouds again shall
hide!

Ah tender heart, that ever feared to
"sin!"
Who loved her, fondly chid her, smiling.
Yet
How oft it pricked our hearts with
shamed regret
Self-wrought! Farewell
sweet saint, safe folded in
The dear Christ lies away thy wistful
tears.
For fancied blame! hush all thy busy-
ing fears.

LILIAN KENT.

March 4th, 1901.

A portion of the St. Elizabeth community has chosen the Hon. J. V. Calder as its representative in the Council.

The Port Morant sails to-day Good luck to her first cargo. May she land all her bananas in first class order.

The "republican simplicity" so dear to the hearts of Washington Jefferson, Lincoln, and other fathers of the American Commonwealth seems to be at a discount in these later days. President McKinley was inducted into his second term as President with such pomp and ceremony as befitted the head of a new Imperialist State, but which hardly accorded with the traditions of his predecessors.

It is interesting to see how frequently a poll tax is mentioned now-a-days. The suggestion comes from all classes. A prominent gentleman writing to us from the coun-