

though strangely enough it is a body unknown to the law and one whose members are never officially made known to the public, nor its proceedings recorded : 2 Steph., Com. p. 451.

The pressure of state business soon made it impossible for the sovereign to perform all his duties in his own person. By degrees, as need arose, many of the matters which were once dealt with by the King in Council were delegated to regular courts, as "emanations from the parent jurisdiction of the King in Council." The power of the Court of King's Bench to supervise the proceedings of other tribunals, even of the Judicial Committee itself was derived from the fact that the King himself was supposed, theoretically, to be present at and to take part in its decisions, which were pronounced as if *coram ipso Rege in consilio*.

When regular courts of law were established there arose a great jealousy at the jurisdiction of the King in Council, which then became extraordinary, and continued to be exercised, as it originally had been, as a kind of extraordinary and corrective jurisdiction to prevent failure of justice in the ordinary courts by fraud or violence, corruption or intimidation; and especially by combination and conspiracy to obstruct or prevent justice. To some extent this extraordinary jurisdiction was salutary and necessary : Finlason, pp. 6, 7.

In the reign of Charles I., first by the Petition of Right in 1628, and afterwards in 1640, any judicial jurisdiction of the council in matters arising within the realm was distinctly declared illegal. The consequence was that the King in Council could only exercise appellate jurisdiction over the colonies or dependencies, or foreign dominions of the crown. (*ib.* p. 37.) These appeals came to the King in Council from necessity—there being no other tribunal open to them, and by virtue of the fundamental principle, that is the duty of the crown to see that justice is administered to all its subjects.

"The general rule with regard to appeals from the colonies, appears to be, wherever no limitations have been imposed upon them by orders in council, the charters of the courts, instructions to the governors, or acts of parliament, they are received on petition to the King in Council, from all courts in the King's dominions abroad, on the ground that it is the right of subjects to appeal to the sovereign to redress all wrongs done to them in any court of judicature." (2 Knap's P. C. Reports, App. IV.) The appeals were heard before a committee of the council appointed for that