selves. They may, therefore, be taken to convey the grounds of a policy applicable to the whole judicature of the Empire, and they are equally applicable to the present enquiry.

But the "Supreme and Exchequer Court Act of Canada" is directly opposed to these principles and traditions: and if Her Majesty were advised to confirm all the provisions of that Act, and establish a Final Court of Appeal in Canada, it is obvious that the same concession must be made, when demanded, to all other parts of the Empire.

The Supreme Appellate authority of the Empire or the realm is unquestionably one of the highest functions and duties of sovereignty. The power of construing, determining, and enforcing the law in the last resort, is, in truth, a power which overrides all other powers; since there is no act which may not in some form or other become the subject of a decision by the Supreme Appellate Tribunal, and that Tribunal can alone determine the limits of its own jurisdiction.

This power has been exercised for centuries, as regards all the dependencies of the Empire, by the Sovereigns of this country in Council; that is to say, the Sovereign to whom the prayer for relief is addressed, affords that relief, with and by the advice of a certain number of the most eminent judicial officers and jurists of the realm, who are sworn of the Privy Council for this purpose. The final order made on each appeal is the direct act of the Queen in person. So that by this institution, common to all parts of the Empire beyond seas, all matters whatsoever, requiring a judicial solution, may be brought under the cognizance of one Court, in which all the chief judicial authorities of this country have a voice. To abolish this controlling power, and to abandon each Colonial dependency to a separate Final Court of Appeal of its own, is obviously to destroy one of the most important ties which still connect all parts of the Empire in common obedience to the source of law, and to renounce the last and most essential mode of exercising the authority of the Crown over its possessions abroad.

It was stated in the course of the debate in Canada, by Sir John Macdonald, that this 47th Clause was the first step towards the severance of the Dominion from the Mother Country.

The clause, indeed, contains a proviso "saving any right which Her Majesty may be graciously pleased to exercise by virtue of Her Royal Prerogative;" and it was admitted that no enactments of the Canadian Parliament could annul or override such rights. But this proviso is directly at variance with the former part of the same clause, and it might, and probably would, give rise to an unseemly conflict of jurisdiction. The promoters of this Bill in Canada appear to have drawn a distinction between an appeal to the Soverign in Council, as a species of prerogative remedy in peculiar cases, and an appeal in the regular course, as referred to the Judicial Committee. This distinction is founded on a complete misapprehension. The right of appeal to the Sovereign in Council is one