

most ancient peoples in the world as well as the radical legislation of the most democratic parliaments of modern times. Like the Privy Council it would have to be at home in interpreting obscure and complex passages in Mahomedan and Hindu law in connection with Indian appeals; on an appeal from South Africa it would need knowledge of Roman law overlaid with Dutch accretions; if the case were from the West Indies, of Spanish law, modified by local customs. Before now the Privy Council has had to determine the meaning of some text in the *Mitakshara* or *Daya Bhaga*, while the familiarity of some of its members with old French law and the Custom of Paris, is only rivalled by their knowledge of 16th century ecclesiastical dogma. A few years ago the *London Times*, a paper of splendid Imperial sympathies and an ardent upholder of the jurisdiction and functions of the Judicial Committee, spoke of colonials prizing as a precious constitutional boon the right of free access to the King in Council. It is a right which the citizens of Great Britain ceased to esteem so long ago as the reign of Charles I., for by the Petition of Right of 1628 and afterwards in 1640, any judicial jurisdiction of the King in Council in matters arising within the realm was declared illegal. Nor is the *Times* correct in its repeated references to the Committee as an institution which above all others is universally accepted as the visible symbol of the unity of the Empire. A tribunal which has no jurisdiction with respect to English, Scotch or Irish appeals, falls short of ideal symbolism.

If the colonies in the evolution of their relations to the mother country are to become equal partners with it and are to be on a plane of equality with it, the anomaly can scarcely survive or be defended which places jurisdiction as to British appeals in one court and cases of colonial origin, in another. Yet it is very much to be distrusted if the legal sentiment of Great Britain would favour substituting for its law Lords a Court of Appeal made up of members drawn from all parts of the Empire. In 1900 Mr. Chamberlain stated in Parliament that he contemplated the creation of such a court, fusing the