to the Old North American Colonies, yet its exercise was not generally assumed until about 1680, and it was not then conceded as a matter of right in all the Colonies. On the contrary, Massachusetts resisted under her first charter. In her second, that of 1691, the right of appeal was expressly reserved. Rhode Island and Connecticut at first denied it as inconsistent with, or rather as not provided in their Charters. Rhode Island soon after yielded the point, but Connecticut continued her opposition till a later period. Much disquietude was created in New York in 1764 by an attempt on the part of Governor Colden to allow appeals in cases not of error, and the representation of the Lords of Trade of September 24th, 1765, and the Report of the Law Officers of the Crown of November 2nd, 1765, clearly show that from the first institution of government in that province, under James the Second, the appeal was confined to cases of error only. Notwithstanding these exceptions, it is said that in those early days the appeal was in a general sense deemed rather a protection than a grievance ; but it need hardly be added that the circumstances of those Colonies and their relations to England afford, in this particular, but little useful learning.

It is presumed that the statement that the appeal is a powerful link between the Colonies and the Crown is thought to be supported by the observations immediately following. No aspect occurs to me under which the jurisdiction can fairly be considered such a link. It is said to secure to every subject of Her Majesty throughout the Empire, the right to claim redress from the Throne. Not so. The subjects of Her Majesty in Great Britain and Ireland do not possess this supposed privilege which is thought to be so valuable. In English history is recorded the patriotic and successful struggles of Englishmen against the interference directly by the Crown in the administration of justice. The long contest which terminated by securing to the Judges the tenure of office during good behaviour, is one long protest against the continuance of the wrong which is said to be to Her Majesty's subjects beyond the seas a blessing. If the redress granted were in fact, as it may be said to be in form, the personal act of the Crown, the system would be an intolerable grievance; but it is not in fact the personal act of the Crown. The redress is not in this instance from the Throne in any further sense than that it is administered according to the opinion of Judicial Officers of the Queen. But the Canadian Judges are Her Majesty's Judges just as much as Her Judicial Officers who reside in England. It is true that the Judicial Officers advise in these matters as Privy Councillors, and that in form, both in this particular and in the precise mode in which the decision is made, the system differs from that ordinarily adopted; but these differences are not advantages.

Having regard to other parts of the paper which allege that the " appeal provides a remedy in certain cases not falling within the jurisdic- " tion of ordinary Courts of Justice ;" "that it is unquestionably one of the " highest functions and duties of Sovereignty ;" " that the power of con- " struing, 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