

Committee of the Privy Council, somewhat resembling the consistory of the Roman Emperors, has been created and now acts as a Supreme Court of Appeal for all the transmarine possessions of Britain, whether Indian or Colonial : " Bryce, *Studies*, I., p. 172.

The political powers of the Privy Council have long centred in the Cabinet, which is in theory nothing but a Committee of the Privy Council, and yet has in reality nothing whatever to do with it. "Thus the extraordinary result has taken place, that the Government of England is in the hands of men whose position is legally undefined; that while the Cabinet is a word of every-day use, no lawyer can say what a Cabinet is; that while no ordinary Englishman knows who the Lords of the Council are, the Church of England prays, Sunday by Sunday, that these Lords may be 'endued with wisdom and understanding!'" : Dicey, *The Privy Council*, p. 143.

The appellate functions had, as we have seen, been previously exercised by what was in fact a Judicial Committee of the Privy Council, but Lord Brougham speaks of the Act of 1833 as if he had been the creator of such a Committee. "When I established it," he says, (*British Constitution*, p. 378), and he speaks with a parent's satisfaction of "the universal testimony borne to the excellent working of the Judicial Committee for Appeals in Colonial causes," as shewing the "expediency of retaining that appellate jurisdiction on its present footing and also of taking its construction as an example" : *ib.* p. 364.

It may be interesting to compare with this his account of the working of the House of Lords as an appellate tribunal in his times. "One branch of the Legislature is the Supreme Court of Justice—civil as well as criminal. The House of Lords is the Court of ultimate Appeal in all questions of law whatever, provided they are raised on any record, and in all questions of fact, and all questions of law whatever, which arise in courts of equity. Every English peer, on attaining the age of twenty-one years, has as much voice on all these great questions as the Lord Chief Justice of England, or the Lord High Chancellor himself. Such is the theory of the constitution and it may on any one occasion be made the practice. In practice, however, all is quite different. The usage is, and for above a century has been followed with a single exception, for all but the law Lords to abstain from taking part. Hence only four or five of the Lords, and generally speak-