Colonial Court of Final Appeal. It adds that the principles set out were adopted by Her Majesty's Government, quoted before the Select Committee of the House of Lords, and assented to as sound and just by the Governors of the Australian Colonies, and that they may therefore be taken as conveying the grounds of a policy applicable to the whole Empire, and that they are equally applicable to the present enquiry; adding that the Supreme Court Act is directly opposed to these principles and traditions, and that if a Final Court of Appeal be established in Canada, it is obvious that the same concession must be made when demanded to all other parts of the Empire. To these propositions, I cannot accede. The status of the several Australian Colonies at the time referred to, whether we regard the numbers and character of their population, the period during which they had enjoyed constitutional rights, the nature and extent of those rights or the powers conferred upon them in reference to the Administration of Justice and Judicial establishments, was entirely different from that of the Dominion of Canada. The late Provinces of Upper and Lower Canada freely exercised since 1791 an unlimited power of making such provision as they thought expedient upon the subject of the appeal to the Queen in Council, and the Dominion stands in a still higher rank than the late Provinces. The circumstances of the various British Colonies differ very greatly ; the argument of the paper would put them all upon the same level, and would determine that whatever is conceded to the greatest must be conceded to the least. This view cannot be maintained with reference either to the question in hand or to any other question. Whether in any particular Colony the time has arrived at which its inhabitants desire that their own Judges shall in the last resort decide their own cases, whether, in case they so desire, they have been given the constitutional right to legislate in that sense, whether in case they avail themselves of that right, the circumstances are so exceptional and extraordinary as to induce the exercise of the power of disallowance—these are questions which must be answered in each case with reference to its own circumstances, and I contend that a Canadian Act making final the judgments of the Supreme Court of Canada might well be left to its operation, without thereby concluding that the same course should be taken with reference to similar legislation in all the other Colonies of the Empire.

Turning with these general observations to the quotation referred to, it commences by an acknowledgement that the Appellate Jurisdiction of the Queen in Council exists for the benefit of the Colonies, and not for that of the Mother Country ; but adds that it is impossible to overlook the fact that the Jurisdiction is a part of the prerogative which has been exercised for the benefit of the Colonies from the date of the earliest settlement of the country, and that it is still a powerful link between the Colonies and Crown of Great Britain. The jurisdiction existing for the benefit of the Colonies, and not for that of the Mother Country, Canada should be permitted, in this aspect of the case, to judge for herself, as there is no doubt she is the best judge ; and to decline what she may conceive to be no longer an advantage. It is to be observed that although, in a general sense, the right of appeal from the Courts of last resort in the Colonies to the King in Council was claimed, exercised and conceded with reference