

depends almost entirely on the Counsel the parties think fit to employ. The Canadians, however, are by no means the only parties to suits in Canadian Courts; every British subject or other person who has invested money or bought property in Canada is equally interested in the administration of justice in those provinces; and these investments have been made in the belief that the rights of British subjects in Canada are protected not only by the Courts of Canada, but by an ultimate appeal to the Queen in Council. To abandon this appeal would be to place these rights in entire dependence on the authority of a Canadian judicature.

But this is not all. The Crown itself has numerous rights or obligations which are daily discussed and enforced in Courts of Justice. These suits may, and frequently do, raise issues of the gravest importance to the power and dignity of the Crown, as well as to the interests of the public which it represents. Are such rights as these to be determined absolutely and finally by any Colonial Court of Justice, however eminent? Is the Crown to be debarred from having such matters argued in the last resort by its own Law Officers at the Bar of the Privy Council, and decided by the highest legal authorities of England? Such questions may very possibly involve some conflict between the Imperial and Colonial laws and interests; can it be contended that these are to be left to the exclusive decision of a Canadian Court? Such an admission would be a virtual abdication of Sovereignty itself.

On all these grounds it would seem that the traditional policy and interests, both of the Crown and of the Colonies, require that a right of final appeal to the Queen in Council from the Supreme and Exchequer Courts of Canada should be distinctly reserved and expressed, and that the undoubted right of Her Majesty, her Heirs and Successors, to admit all appeals whatsoever on special application, should be plainly declared.

But as there is no disposition on the part of the Privy Council to favour frivolous or vexatious appeals, there seems to be no objection to Lord Carnarvon's suggestion that the limit of appealable value may be raised. It could be fixed, as in India, at 1,000*l.* sterling instead of 500*l.*