

among many of the leading men of Australia, especially among the mercantile classes, and among the members of the Bar, in opposition to the restriction of the power of appeal.

A long controversy on this subject ensued between Mr. Chamberlain and the Australian delegates, and the matter was at last settled by the adoption, by way of compromise, of the following clause in place of that which had been struck out from the Bill:—
“No question howsoever arising as to the limits inter se of the constitutional powers of the commonwealth and those of any state or states, or as to the limits inter se of the constitutional powers of any two or more states, shall be capable of final decision except by the High Court, and no appeal shall be permitted to the Queen in Council from any decision of the High Court on any such question, unless by the consent of the Executive Government or Governments concerned, to be signified in writing by the Governor-General in the case of the commonwealth and by the Governor in the case of any state. Except as provided in this section, this constitution shall not impair any right which the Queen may be pleased to exercise by virtue of her Royal Prerogative to grant special leave of appeal to her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, provided that any proposed laws containing any such limitation shall be reserved by the Governor-General for her Majesty's pleasure.”

The clause as originally framed was as follows:—“No appeal shall be permitted to the Queen in Council in any matter involving the interpretation of this constitution or of the constitution of a state unless the public interests of some part of her Majesty's dominions other than the commonwealth or a state are involved. Except as provided in this section this constitution shall not impair any right which the Queen may be pleased to exercise, by virtue of her Royal Prerogative, to grant special leave of appeal from the High Court to her Majesty in Council. But the Parliament may make laws limiting the matters in which such leave may be asked.”

It will be noticed that besides putting in more definite terms the limitations on the right to appeal, the new clause permits an appeal by consent of the governments concerned. It also provides that the power given to the Commonwealth Parliament of limiting the matters in regard to which the Queen may be pleased to grant