

purpose, which reported to the King in Council its decision thereon.

This committee was composed solely of the judicial or legal members of the council, and assumed in all respects a judicial character. It really was a "Judicial Committee," though not so designated in any statute.

In the year 1828, Lord Brougham, when advocating the transfer to the "King in Council" of the powers of the Court of Delegates, which then dealt with appeals in ecclesiastical and maritime causes, used the following language in regard to the Judges of the then Judicial Committee of the Privy Council:—"They are made the Supreme Judges in the last resort, over every one of our foreign settlements, whether situated in the immense territories which you possess in the East, where you and a trading company rule together over not less than seventy millions of subjects—or established among these rich and populous islands in the Indian ocean and which form the Eastern Archipelago—and have their stations in those lands, part lying within the tropics, partly stretching toward the Pole, peopled by various castes, differing widely in habits, still more widely in privileges, great in numbers, abounding in wealth, extremely unsettled in their notions of right, and excessively litigious, as all the children of the New World are supposed to be, both from their physical and political constitution. All this immense jurisdiction over the rights of property and person, over rights political and legal, and over all questions growing out of so vast and varied a province is exercised by the Privy Council unaided and alone."

In 1833 an act was passed which took away from the Privy Council as a whole the judicial powers which it had acquired in regard to colonial appeals, but which in fact the whole body had not exercised, and assigned them to a special committee called "The Judicial Committee."

"Thus, statute has produced the same effect upon the council's legal authority which custom has had on its political powers. In each case the functions of the whole body have passed into the hands of a smaller committee, connected with the Privy Council by little more than its name. Out of the ancient judicial functions of the crown and of the council which advised the crown, functions which a century ago seemed lapsing into desuetude, there has been involved a new system of judicature. A body called the Judicial