

of maintaining the uniformity of the laws of England and her colonies, which derive a great body of their laws from Great Britain; and enables them, if they think fit, to obtain a decision in the last resort from the highest judicial authority, composed of men of the greatest legal capacity existing in the metropolis."

Of the eight suggestions of this paragraph, we may, very summarily, rule out six: (1) As to cases "not falling within the jurisdiction of the ordinary courts of justice," there are none such, as far as Canada is concerned. (2) As to the judges being "men of the greatest legal capacity existing in the metropolis," we know that they are excellent for the decision of cases within the limits of their experience and learning; but that they are not so well able to deal with cases outside those limits as are other learned men who have the advantage of them in that respect. (3) As to the jurisdiction being "part of Her Majesty's prerogative," we say that that part of the prerogative has gone the way of all the rest of it. When debating the Australian Commonwealth Bill in the House of Commons, Mr. Haldane (afterwards Lord Chancellor) said:

"that the expression, of which in these debates we have heard much, the 'Queen's prerogative,' is a mere technical phrase and should be put aside."

(4) As to "a powerful link between the colonies and the Crown," we say that long ago the Crown ceased to take any part in the appeals; that the Crown never hears anything about the appeals; and that the decisions are rendered, as their Lordships themselves said, by "men of the greatest legal capacity." (5) As to "every subject throughout the Empire" being entitled to appeal, we say that that privilege is reserved for the rich; no ordinary man can afford it. Unfortunately, however, the rich litigant can take his poor opponent to England against his will. In one case (a) a widow of very moderate means obtained a judgment for about \$500 in Ontario; was taken to the Privy Council; lost her case there (unjustly, as I think); and was condemned to pay the appellant's costs, amounting to about \$3,500 (b). She had to pay her own costs also, amounting to about \$1,500. "Every subject," moreover, does not include the 45 millions who reside in the United Kingdom. Their cases go to the House of Lords. (6) As to "the right to redress from the throne," we say that appeals never go near the throne, except for signature; and that their Lordships ought to be careful of making pretence that they do.

(a) *Schmidt v. Miller*.

(b) Through association of her case with another, the widow had to pay only one half of this amount.