Wales and 1 from Victoria, and these two cases have just been heard. The business of the Australian Colonies forms therefore but a very small fraction of the business of the Privy Council.

It also appears from this Statement, which gives the exact dates of the setting down and hearing of each case, that no case from any Australian Colony has ever been delayed more than a very few months after it was ripe for hearing. The delays, such as they are, are attributable entirely to the parties themselves, and not to this Court.

The statements contained in the note to page 14 of the Report are not consistent with the facts relating to Appeals from the Australian Colonies, which will be found in the accompanying paper. Nothing has occurred to justify the assertion that "the number of Appeals from the vast dominions of the Crown is greater than it appears the Privy Council is capable of dealing with." The excess of Appeals at present coming on for hearing has arisen solely in Bengal. There is no arrear of any Appeals but those from India. The Lords of the Judicial Committee have never allowed the Colonial or other business of the Court to be tied up or postponed by the Indian causes. The time of the Court has been divided equally between the several jurisdictions it is called upon to exercise.

The Royal Commission advert to the inconveniences arising from the prosecution of an Appeal in criminal cases to England. The Lords of the Council are fully aware of these inconveniences, and they have on almost every occasion refused and discouraged all attempts to bring before them criminal cases, insomuch that there are not more than two or three instances of any such application being made with success from any part of the Empire. But recently, on an urgent application made on behalf of the Attorney-General of New South Wales, based on grounds of public policy, their Lordships were induced to grant special leave to appeal in two criminal cases from that Colony. These cases were heard on their arrival in this country within a few days of the date of their setting down. No delay whatever arose but that which is inseparable from the distance.

The appellate jurisdiction of Her Majesty in Council exists for the benefit of the Colonies, and not for that of the mother country; but it is impossible to overlook the fact that this jurisdiction is a part of the prerogative which has been exercised for the benefit of the Colonies from the date of the earliest settlements of this country, and that it is still a powerful link between the Colonies and the Crown of Great Britain. It secures to every subject of Her Majesty throughout the Empire his right to claim redress from the Throne; it provides a remedy in certain cases not falling within the jurisdiction of ordinary Courts of Justice; it removes causes from the influence of local prepossessions; it affords the means of maintaining the uniformity of the law of England in those Colonies which derive the great body of their law from Great Britain; and it enables suitors, if they think fit, to obtain a decision in the last resort from the highest judicial authority and legal capacity existing in the metropolis.

The power of establishing or remodelling the Colonial Courts of Justice is vested by the 28 and 29 Victoria in the Colonial Legislatures; and it is undoubtedly desirable that the Colonial Courts of Justice should be so constituted as to inspire confidence in their decisions, and to give rise to a very few ulterior Appeals. That is, in fact, the case with the Superior Courts of Westminster Hall; and the small number of Appeals from the Australian Courts is the best testimony to the excellence of those Courts also. But the controlling power of the Highest Court of Appeal is not without influence and value, even when it is not directly resorted to. Its power, though dormant, is not unfelt by any Judge in the Empire, because he knows that his proceedings may be made the subject of Appeal to it.

But it by no means follows as a necessary consequence of the powers vested in the Colonial Legislatures by the 28 and 29 Victoria, that laws should be enacted which would control the exercise of the prerogative of the Crown in the exercise of its Supreme Appellate Jurisdiction.

I have, &c.,
HENRY REEVE,
Reg. P.C.

Hon. Robert Meade.

## Sub-Enclosure to Enclosure in No. 90.

STATEMENT of all the Appeals to Her Majesty in Council from the Australian Colonies of New South Wales, Victoria, South Australia, Queensland, West Australia, Tasmania, and New Zealand, which have been forwarded to England down to 1st July, 1871.

| Names of Parties. | Whence. | Date of Decree appealed from. | Date of Arrival of Record. | When set down for hearing. | Date of Judgment on Appeal. | Observations. |
|---|---|---|---|---|---|---|
| 1. Sydney Stephen *v.* Judges of Supreme Court | Van Diemen's Land. | Dec. 17, 1842 | ... | Oct. 19, 1846 | March 29, 1847 | |
| 2. Bank of Australasia *v.* Bank of Australia | New South Wales | Aug. 5, 1845 | ... | May 25, 1847 | Feb. 29, 1848 | |
| 3. Flint *v.* Walker... | New South Wales | July 5, 1844 | ... | May 22, 1847 | Dec. 10, 1847 | |
| 4. Marquis of Bute *v.* Mason and others | New South Wales | Dec. 2, 1845 | ... | April 20, 1849 | July 5, 1849 | |
| 5. Algernon Montagu *v.* Governor and Council of Van Diemen's Land | Van Diemen's Land. | Dec. 31, 1847 | ... | May 30, 1849 | July 3, 1849 | |
| 6. Attorney-General of New Zealand *v.* Clarke | New Zealand ... | ... | ... | Oct. 5, 1850 | May 15, 1851 | |
| 7. Doe dem Devine *v.* Wilson | New South Wales | April 5, 1852 | Aug. 8, 1854 | June 27, 1855 | Nov. 27, 1855 | |
| 8. Oswald Bloxholme and others *v.* Scott | New South Wales | June 22, 1853 | Oct. 16, 1854 | ... | ... | Dismissed for Non Pros. |