

It appears to me that there would be an advantage in the repeal of absolutely obsolete enactments, but that the subject is one of considerable delicacy, and should be approached with great caution, inasmuch as, notwithstanding the great care exercised by the Committee, mistakes may occur and give rise to difficulties which it is not always easy to repair by fresh legislation.

I have to request, therefore, that you will refer the matter to your Advisers, and that you will favour me, at the earliest convenient date, with their and your own opinion upon the general question, and upon the proposed mode of dealing with those enactments which bear upon the colony under your government.

I have, &c.,

KNUTSFORD.

The Officer Administering the Government of New Zealand.

Enclosure.

The STATUTE LAW REVISION COMMITTEE to the COLONIAL OFFICE.

SIR,—

7, Fig-tree Court, Temple, E.C., 19th December, 1888.

In August last Lord Knutsford was good enough to intimate to Lord Thring and myself that he would give the Statute Law Revision Committee his assistance in the matter of repealing such of the enactments relating to the Constitution Acts of the Australasian Colonies as were obsolete, or virtually repealed, and for this purpose permitted me to peruse the previous correspondence at the Colonial Office on this subject.

I have thought it desirable to prefix to the schedule of proposed repeals a memorandum (of which I enclose ten copies) showing the course which the Committee propose to adopt in dealing with these Acts with reference to the new edition of the "Statutes Revised."

The Committee will be obliged if the Secretary of State will submit the proposals of the Committee to the Colonial Governments, accompanied by an expression of his general approval of their scope. The propriety of the particular repeals in each case must be considered by the Colonial Office and the Committee after the receipt of the replies of the several Governments.

I would request that the Colonial Governments be invited to make their observations at as early a date as possible, as the Committee desire to bring in the Bill dealing with these and other statutes soon after the commencement of the next session of Parliament.

I am, &c.,

The Under-Secretary of State for the Colonies.

ALBERT GRAY.

Sub-Enclosure.

MEMORANDUM.—CONSTITUTION ACTS OF THE AUSTRALASIAN COLONIES.

A new edition of the "Statutes Revised" is at present in course of preparation by the Statute Law Revision Committee, under the sanction of Her Majesty's Government. The object of this edition is to present the statutes of the Imperial Parliament in a compact form, showing only the enactments which are not expressly repealed. Besides the express repeals of previous statutes which are made in ordinary course by subsequent statutes, the Statute Law Revision Committee from time to time present Bills to Parliament for the repeal of enactments which, by reason of subsequent legislation or otherwise, may be characterized as "virtually repealed," "spent," or "obsolete."

It is obvious that an edition of the statutes, professedly representing the law as in force at the time of publication, loses much of its value if it is found to contain many enactments which have ceased to have any operation. The existing edition of the "Statutes Revised" is more particularly open to this criticism in regard to the enactments relating to the Colonial Constitutions. It is likely greatly to mislead any practitioner or other person who may turn to it for information as to the existing Constitution of any of the Australasian Colonies. He would find, for instance, still upon the Imperial statute-book the enactments of 5 and 6 Vict., c. 76, as to District Councils, which are either repealed or are obsolete and superseded in all the Australian Colonies to which they applied, and he would find the provisions as to the Provincial Councils of New Zealand, which have been abolished.

The course of repealing a previous Act so far as repugnant to a subsequent enactment, which was adopted as respects New South Wales, Victoria, and New Zealand, while it is indicative of a cautious intention, does not seem to justify the maintenance of the enactments so dealt with after they are shown to have lost their force. The Revision Committee, as I will venture to say on their behalf, fully recognise the necessity of observing the very greatest care in dealing with Acts of a constitutional character, and the Secretary of State has already intimated to them that he will not sanction the repeal of such enactments if any doubt exists as to their having become inoperative.

It cannot, however, be questioned that even within these limitations there are many of the superseded enactments which are wholly inoperative, and might with advantage be removed from the statute-book; and it is hoped that the Colonial Governments will give their aid in the expurgation, and will thus enable the Committee to present the Acts relating to the Colonial Constitutions in a form which will be of practical utility to the public, both here and in the colonies.

As the Colonial Governments will be aware, proposals were made by the statute-law revisers in 1874-75 for considerable repeals of the enactments in question. Some of these were carried out, while as to others Lord Carnarvon intimated that he would prefer that the repeals then proposed should not be proceeded with. The proposals of the revisers, however, had in the meantime been transmitted to the colonies concerned, and in due course the opinions of the several Governments were received at the Colonial Office. In the case of a few particular enactments the repeals pro-