posed were objected to, for reasons applying to an individual colony, but in most cases the propriety of the repeals was admitted. One or two of the authorities consulted doubted whether it were worth while to remove the obsolete enactments from the Imperial statute-book; but on this point I would observe that in some only of the handy editions of the Acts of the Australian Colonies has it been thought necessary to print the superseded Constitution Acts of 1842 and 1850. The Statute Law Revision Committee's rule of practice does not enable them to take the course of omitting public enactments which are not expressly repealed.

With regard to some of the obsolete enactments, I may observe that the terms of their repeal by the later Acts are so absolute that the editors of the new edition would be justified in omitting altogether the parts so repealed, or marking them as repealed with respect to particular colonies. Thus, the provisions of 5 and 6 Vict., c. 76, and 13 and 14 Vict., c. 59, are, as regards New South Wales and Victoria, now in this position: By section 2 of the Constitution Act of 1855 they are repealed so far as repugnant to the scheduled Acts, and the first proviso further absolutely repeals so much of them as relates to the constitution, appointment, and powers of the Legislative Council, while section 3 preserves so much of them as relates to Bills.

In view of the considerations expressed above, and of the opinions expressed by the colonies in 1874–76, Lord Knutsford has, at the request of Lord Thring, Chairman of the Revision Committee, consented to the preparation of a fresh schedule of proposed repeals, and, in order that due consideration should be given to the already-expressed criticisms of the Colonial Governments, has permitted me to peruse the correspondence on the subject at the Colonial Office.

It now remains to state the principles on which the Committee propose to proceed. Some of the enactments of the earlier Constitution Acts are repealable as being superseded or virtually repealed by subsequent Imperial Acts; others, again, as being superseded or virtually repealed by Colonial Acts, passed under powers contained in Imperial Acts. A third class may be added, that of Imperial enactments *expressly* repealed by Colonial Acts under powers of Imperial Acts. In this class may be included the repealed parts of the Constitution Acts of 1855, which, though really Colonial Acts, are also, by reason of being scheduled to Imperial Acts, part of the Imperial statute-book, and as such within the province of statute-law revision. These express repeals might, assuming the power to be duly exercised, be regarded as final, entitling the Revision Committee to omit the enactments from the revised statutes. Such a power of repeal is given in 5 and 6 Vict., c. 76, s. 53, and a like power is given in 18 and 19 Vict., c. 54, s. 4, and c. 55, s. 4, with respect to the scheduled Acts. It may be noted that the authority given to the Colonial Legislatures by 5 and 6 Vict., c. 76, to *repeal* any part of 9 Geo. IV., c. 83, has not, so far as I am aware, been exercised; they have been content to make other judicial arrangements and to allow that Act to fall into abeyance. It has probably been considered in the colonies that the Imperial Parliament may properly be left to do its own statute law revision.

With respect to the scheduled colonial Acts, on the other hand, it would seem to be the better course for the Committee not to propose any specific repeals, but merely to mark in the new edition, by omissions and notes, the repeals effected by the Colonial Legislatures. Thus, the schedule (I.) to 18 and 19 Vict., c. 54, would be marked as wholly repealed as to Queensland (see 31 Vict., No. 39, s. 2), and several sections of the schedules (I.) to cc. 54, 55 would be omitted, notes being appended showing the repeals made by the New South Wales and Victorian Parliaments respectively.

With respect to enactments in Imperial Acts which are shown to be totally inoperative by reason of being either (1) virtually repealed or superseded by subsequent Imperial or duly-passed Colonial Acts, or even (2) expressly repealed by Colonial Acts, it is proposed that all such should be repealed by a Statute Law Revision Act of the Imperial Parliament. In this way the Imperial Government on the one hand, and the Colonial Governments on the other, would each be left to deal by express repeal with their own laws, within the limits of their respective powers.

New South Wales and Victoria are the only colonies in which the course was adopted of scheduling a colonial to an Imperial Act. In the case of New Zealand, the Constitution Act was passed directly by the Imperial Parliament: that Act has been frequently amended, and powers of amending and repealing certain of its provisions have been granted to the New Zealand Legislature. As in the case of Acts relating to the Australian Colonies (other than the scheduled Acts), it will be proposed to give effect to the New Zealand repeals made in exercise of express powers by repealing the Imperial Acts so far as they are thereby rendered inoperative.

In pursuance of the plan proposed above, the schedule annexed hereto has been divided into two parts: Part I. comprises the proposals of repeal; Part II. may be taken as a preliminary memorandum for the proper annotation, in the new edition of the statutes, of the New South Wales and Victoria Constitution Acts of 1855, scheduled to 18 and 19 Vict., cc. 54 and 55. In the case of some colonies, recent editions of the colonial Acts, revised and indexed, either do not exist or are not accessible to me.* It is therefore probable that the schedules may require not only criticism, but also amplification.

In all cases in which reasons, founded upon enactments, whether Imperial or colonial, are advanced either for or against repeals, it is requested that they be accompanied by references to the enactments.

The Statute Law Revision Acts of 1883 and 1887 will show the manner in which the repeals are carried into effect, and the extent of the savings with which the repeals are accompanied.

Temple, December, 1888. ALBERT GRAY.

[For schedule, so far as it relates to New Zealand, see A.-1, 1890, No. 4.]

* The collected editions principally consulted by me are—(1) as to New South Wales, Oliver's "Statutes of New South Wales," 3 vols., 1879; (2) as to Tasmania, the "Statutes," edited by F. Stops, 4 vols., 1883; (3) as to Victoria, the "Victorian Statutes," 4 vols., 1875–83; (4) as to Queensland, the "Queensland Statutes," 4 vols., 1874; (5) as to Western Australia, the "Statutes of Western Australia," 2 vols., 1883; (6) as to New Zealand, Wilson's "Practical Statutes," 1 vol., 1867, and Barton's "Practical Statutes," 2 vols., 1876.