

which a hard-worked official in the pressure of business might be excused for making. After all, no injustice would be done if claims which his clients on sworn testimony regarded as extravagant were referred to the Court specially constituted to take cognisance of such questions.

So far their Lordships are not concerned to differ from the view presented to them, and it may be taken for granted that the respondents' claims, whether they are or are not so extravagant as the appellants represent them to be, are probably in excess of any amount which could be established on reference to arbitration.

An evicted proprietor demanding compensation from a wealthy Corporation may be trusted to make the most of his claim. But this is not the question. The question is, has any Court the right to deprive the respondents of the advantage which the law of the land gives them? The scheme of the Act is not unreasonable: The local authority initiate the proceedings. They dispossess the person whose land they want. They dispossess him without paying down or securing anything in the shape of compensation. They leave him to make his claim. Is the period of sixty days too short a time to enable the local authority to make up their minds whether they will admit his claim or not? If they do not admit it they have nothing to do but say so.

It was said that Parliament has overlooked the possibility of a slip. It has certainly made no provision for a slip in the case of a local authority setting the Act in motion. It has made provision for a slip in the case of a claimant who has received notice that his claim is not admitted failing to make the next move in due time. But that is a different case altogether. It is not unreasonable to require that public bodies putting in force an Act of Parliament for their own purposes should attend to its provisions. It would be contrary to natural justice to deprive a claimant whose land has been taken from him of all compensation because he makes a slip which cannot prejudice the other side. But even in that case the claimant is not allowed to prosecute his claim except with the leave of the Compensation Court, and upon such terms and conditions as that Court thinks fit. This special provision in the case of a claimant tells against rather than for the appellants' contention.

Then, it was asked, suppose the claimant has been guilty of fraud, would there be no remedy in that case? Certainly, there would be a remedy. Courts of Justice have an original and inherent jurisdiction to relieve against every species of fraud, but it may be that the relief would have to be sought in an independent action. It was admitted by Sir Robert Reid that the slip which occurred in this case was not a mistake against which relief could be obtained in a Court of equity. His argument was that when the claim was filed in the Supreme Court it came under the control of the Court, and that, just as Courts of law and equity before the days of statutory rules and orders could deal with their own procedure and enlarge the time for taking any step in an action, and set aside in such terms as they thought fit a judgment obtained by default, so the Supreme Court in such a case as this ought to set aside the award and enlarge the time, and by some process, which was not clearly explained, remit the case to a Compensation Court.

Their Lordships, however, cannot find in the Act any authority for such a course. The rights of the claimants were fixed by statute before the Supreme Court had anything to do with the matter. The only function of the Supreme Court was to enforce the claim as an award, and see that the money reached the proper hands. The circumstance that an award made by a Compensation Court seems to be only provisional for the space of a month, under section 76, subsection (2), does not assist the argument or afford any analogy for the course suggested on behalf of the appellants. In that case the Court to deal with the award during the month of grace is not the Supreme Court but the Compensation Court.

Failing the principal ground of appeal, two other points were put forward on behalf of the appellants. In one of the cases it was said that the claim was not made as directed by the Act. The claimants were absent. Two powers of attorney were produced, one of which it was argued did not on its true construction authorise the attorney to make the claim, while the other it was suggested was too late. But, in fact, no power of attorney was required. The claim was made by an agent, in the name and avowedly on behalf of the respondents, and they have ratified the action of their agent. The other objection was not more substantial. It was said that the receipt filed on behalf of the claimants was not given by the officer for the time being in charge of the office, but by an assistant or subordinate. It appears that it was, in fact, signed by an assistant in the office for the officer in charge, and by his direction. Their Lordships are of opinion that this was a sufficient compliance with the Act. But, if it was not, the respondents are now entitled to demand a proper receipt in conformity with the Act.

Their Lordships are of opinion that the appeals fail, and they will humbly advise His Majesty that they ought to be dismissed.

The appellants will pay the costs of the appeals.

No. 15.

(No. 44.)

MY LORD,—

Downing Street, 14th May, 1902.

I have the honour to inform you that His Majesty will not be advised A.-1, 1902,
No. 69. to exercise his powers of disallowance with respect to the Act No. 15 of 1901, of the Legislature of New Zealand, entitled "An Act to amend the Law relating to the Exportation of Arms and other Military and Naval Stores," a transcript of which accompanied your despatch (No. 126) of the 18th December last.

I have, &c.,

J. CHAMBERLAIN.

The Officer Administering the Government of New Zealand.