

over from New Zealand specially to call attention to the New Zealand side of the law. I am informed that when the argument is over, their Lordships may apply some rule of English law which has been revoked in New Zealand or omit to apply some rule of New Zealand law which does not exist in England, and which they at the moment have not specially brought under their knowledge. I am told that has actually occurred, and the results, when it has occurred, has been to the people who are the litigants in our country very unsatisfactory. What has been suggested from a New Zealand standpoint to prevent that is that in the case of every appeal from a colony, a judge of the Supreme Court of that Colony should sit with their Lordships, but without taking parts in the arguments or decision, his function being to supply full information as to the Colonial law and the points of difference between it and the English law. I may say that in most cases the number of judges in the colonies is such that one can be always on leave, and if he spent his leave in England, or in touch with England, he would be available. My country is strongly favourable to the admission of Supreme Court judges to the Privy Council. But distant as we are and where we are with vast interests involved at times, we want to be quite sure that the state of New Zealand law is fully before their Lordships who are dealing with the cases. That is the most practical suggestion from our point of view, whether it is feasible or not is for those responsible here to see—but I put it forward with all respect and urge it from the standpoint of the practical working of the administration of a country which, from time to time, must have numbers of cases referred to the Privy Council for judgment. If that could be done, so far as New Zealand is concerned, I think I am right in saying that the whole system of administration would give very general satisfaction in our country.

I may also suggest, that as there have been suggestions made by the various Colonies, perhaps the simpler course would be for the Home Authorities to prepare a Draft Order in Council consolidating the existing state of things with such alterations and simplifications as they deem reasonable, and forward the draft to the respective Governments to confer thereon, *inter se*, and make a common report as to alterations desired or recommended, in this way there would result an Order in Council containing the general rules common to all appeals, and special rules dealing with appeals from specified Colonies in cases where special rules are necessary.

I may say the main suggestions for the purpose of avoiding delay and reducing expense put forward by the Cape Colony commend themselves to me, and I should be only too glad to give them my support. I do not know the circumstances Sir Wilfrid Laurier refers to in Canada. The disabilities under Mr. Deakin's resolution, as applicable to Canada, do not apply to New Zealand. As long as it is understood we have the Court of Appeal in the United Kingdom—the Privy Council as at present constituted, or the one suggested by Mr. Deakin—I am perfectly satisfied on behalf of New Zealand.

Sir ROBERT BOND: Lord Elgin and Gentlemen, in the Colony that I have the honour to represent we have the right of appeal to the Privy Council, and so far as I am aware, that is entirely satisfactory. In 1904, I think, a despatch was sent out from your Department asking for an expression of opinion in reference to an amendment of the rules which govern Privy Council practice. At the time I submitted the contents of the despatch to the Judges of the Supreme Court, from whom I received an intimation to the effect that generally the delay and expense in prosecuting these appeals are the principal causes of complaint, and those which, in their opinion, mostly require remedy. In the first place, with regard to delay, they pointed out that while it was perfectly correct that the Privy Council has no control

Seventh Day.
26 April 1907.

IMPERIAL COURT
OF APPEAL.
(Sir Joseph
Ward.)