

take, I must say, I think, from the South African point of view, we would differ from Mr. Deakin. We would rather it existed as constituted at present—the Judicial Committee of the Privy Council—than the House of Lords, and for a very obvious reason. We, in South Africa, are more or less under Roman Dutch law which, I understand, differs considerably from the English law, and there is provision for this in an appeal to the Privy Council, and we have a very able representative on that court at present, who is an acknowledged authority on Roman Dutch law, and, naturally, from our point of view, we would rather the final Court of Appeal should take that form than the House of Lords, where, of course, no such representative could sit.

Seventh Day.
26 April 1907.

IMPERIAL COURT
OF APPEAL
(Dr. Jameson.)

Mr. DEAKIN : The proposal of Mr. Justice Hodges especially provided for the case of Roman Dutch law and local law.

Dr. JAMESON : That would remove my objection. I would not care which it was, but one final court appeals to us very much.

With regard to the Cape Colony Resolutions, after studying the papers with which we have been furnished on the subject, I find a good many of our suggestions have been met; in fact I may say that practically the onus is thrown upon the Colonies, and not upon the procedure of the Judicial Committee of the Privy Council, for any delay or extra expense that may occur. Still I think, perhaps, it would not do any harm that these four sub-resolutions should be passed as an indication that we are desirous of minimising delay and curtailing expense as far as possible. But since these Resolutions from Cape Colony were sent in, my colleagues from South Africa—General Botha and Mr. Moor—and myself have met together and have formulated some further proposals which we should like to bring before the Conference, which General Botha will propose presently. They mainly relate to our own local affairs. At the same time they also relate, if I am rightly informed, to the condition of the Appellate Courts in other States too. We, in South Africa, are very anxious to get established a final Court of Appeal in South Africa for all the various States. Of course, supposing Federation comes about, that would come naturally. We believe Federation is coming immediately, but still we feel that it would be advisable that we should prepare at once, and get established if we can, as part of that Federation and even before that Federation, a final Court of Appeal in South Africa. Our present position is we have a Supreme Court in each of the Colonies. We have other District Courts. There is an appeal from a District Court to the Supreme Court. Similar cases occur in the various Colonies, and we are faced with absolutely dissimilar decisions in the various Colonies, which naturally leads to a good deal of discontent. So we are anxious that we should have a final Court of Appeal for the whole of South Africa, but that will entail considerable expense, both to set it going and maintain it afterwards, and we feel that we would not, unless the various States are in agreement on this subject, be justified in undertaking that expenditure unless we were permitted, which I understand is the word to use, by His Majesty's Government to pass legislation in our own various Colonies, taking away the right of appeal from the Supreme Courts in each of the Colonies to the Judicial Committee of the Privy Council. I think that possibly might suit some other States also, and we should all be anxious to do it. So that our Supreme Court of Appeal would be a final Court of Appeal except that it might be put into the Statute by which it is created that on certain subjects—possibly on relations between the various States and so on—there might be permitted an Appeal to the Privy Council by permission of that Supreme Court. Those cases would be very few. So really it would be a