

the self-governing Colonies in any way. I was speaking of it, as I have been speaking of it throughout, not merely in relation to the self-governing Colonies, but to the whole British Empire, because the Privy Council has jurisdiction everywhere.

Seventh Day.
26 April 1907.

IMPERIAL COURT
OF APPEAL
(The Lord
Chancellor.)

Mr. DEAKIN : Except in the United Kingdom.

The LORD CHANCELLOR : Yes, it has jurisdiction there too, in respect of patents. What I meant was you could do it in the Legislatures yourselves as you please, and it is for the Legislatures to pass your own laws, and for the local courts to carry out the laws the Legislatures pass. It is possible to do it by ordinance in the Colony, or Order in Council here in the case of Crown Colonies.

May I turn now to the other supplementary points Dr. Jameson has given us. I think his general object is the establishment of a final Court of Appeal in South Africa, with certain restrictions upon the right of appeal from South Africa to the Privy Council, which is obviously a matter for the South African Colonies to determine for themselves. If they pass their own Act they can set up their own Court of Appeal in South Africa, unless they like to invoke the machinery of the Imperial Parliament by asking the Imperial Parliament to do it. I do not know whether they would or not.

Dr. JAMESON : I understand the Imperial Parliament might use its machinery supposing we pass such legislation at the present moment as would deprive our own State even of the right of appeal to the Privy Council.

Sir WILFRID LAURIER : As I understand, you want to have a Court of Appeal for the three Colonies—the Transvaal, the Cape, and Natal. In a case which would affect you in Natal you want to have a Court of Appeal for these three parts.

Mr. DEAKIN : And the Orange River Colony.

Dr. JAMESON : We want it for all, but, to justify us in doing that, we must take away their right of appeal from the present Supreme Court direct to the Privy Council.

Sir WILFRID LAURIER : You must have legislation of the Imperial Parliament for that.

Dr. JAMESON : Yes, that is what I am asking. We want their approval, at all events.

The LORD CHANCELLOR : It really comes to this : You would set up your own court for all the self-governing Colonies in South Africa—and probably the Orange River Colony will have a constitution in the course of a few weeks—a South African court in South Africa. That would be your work. If you wanted the auxiliary help of the Imperial Parliament for other purposes, it may be constitutional and the most convenient way of doing it. I, for my part, greatly hope that, however the functions of the Privy Council may be restricted, the connection will not be severed between the Privy Council and the courts either in South Africa or elsewhere. But every self-governing portion of His Majesty's Dominions has its own right to regulate its own affairs, and do as it thinks fit in regard to that.