

The LORD CHANCELLOR : It is a matter of business detail, we will try to meet you with regard to it, and I think we shall satisfy you.

Seventh Day.
26 April 1907.

IMPERIAL COURT
OF APPEAL

The second Resolution is : " That in the codification of the rules, regard should be had to the necessity for the removal of anachronisms and anomalies, the possibility of the curtailment of expense, and the desirability of the establishment of courses of procedure which would minimise delays." The second is of course involved in the first. The third is : " That with a view to the extension of uniform rights of appeal to all Colonial subjects of His Majesty, the various Orders in Council, Instructions to Governors, Charters of Justice, Ordinances, and Proclamations upon the subject of the Appellate Jurisdiction of the Sovereign should be taken into consideration for the purpose of determining the desirability of equalising the conditions which gave right of appeal to His Majesty." In every Order in Council there are some provisions which are common to every set of circumstances; but the principal variations are dependent upon the diversity of the different countries that have to be dealt with. For instance, the principal variations relate to the sum of money which is to warrant an appeal. Now that varies between 300*l.* and 2,000*l.* It is a matter upon which each country may have different views; but whatever a country thinks there will be no difficulty whatever in giving effect to it. I doubt myself whether, in a matter of that kind, it is desirable even to press for uniformity. Perhaps uniformity in things of that kind might not be advisable.

Dr. JAMESON : The idea was that all the Premiers being together they might effect some general agreement.

The LORD CHANCELLOR : It is a luxury to us to have uniformity. We should be the last people to object; but, if the Prime Ministers, being here, should come to any arrangement about that so much the better. The same in regard to the limit of time for appealing as of right, and the lodgment of security for costs. If Dr Jameson were to say : " So far as may be agreed upon by different parts of His Majesty's dominions " we should not make any difficulty.

Dr. JAMESON : I quite understood that. The Premiers being here, the subject might be raised, and our idea was that the Imperial Government might undertake to correspond with the various States with a view to getting uniformity.

The LORD CHANCELLOR : I must not take upon myself Lord Elgin's functions, and no doubt he will help in anything of that kind. I am only speaking from the actual point of view of the Privy Council.

As regards the last Resolution it says : " That much uncertainty, expense and delay would be avoided if some portion of His Majesty's prerogative to grant special leave to appeal in cases where there exists no right of appeal were, under definite rules and restrictions, delegated to the discretion of the local courts." I think that is quite right. It is so in India. It is regulated by codes of civil procedure, and it can be regulated by your own Parliament. You may pass in the Cape, if you like, an Act of Parliament; or it may be done and has been done by Orders in Council. If you should prefer it should be done by Orders in Council it would be perfectly easy to do it.

Sir WILFRID LAURIER : " That much uncertainty, expense, and delay would be avoided if some portion of His Majesty's prerogative to