

Seventh Day.
26 April 1907.

IMPERIAL COURT
OF APPEAL
(Chairman.)

Court of Appeal," was submitted and fully discussed. The resolution submitted by the Government of Cape Colony as amended was accepted as follows :—

" This Conference, recognising the importance to all parts of the Empire of the appellate jurisdiction of His Majesty the King in Council, desires to place upon record its opinion :—

- " (1) That in the interests of His Majesty's subjects beyond the seas it is expedient that the practice and procedure of the Right Honourable the Lords of the Judicial Committee of the Privy Council be definitely laid down in the form of a code of rules and regulations.
- " (2) 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.
- " (3) 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.
- " (4) 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 exercised under definite rules and restrictions."

The following resolutions presented to the Conference by General Botha, and supported by the representatives of Cape Colony and Natal, were accepted :—

- " (1) That when a Court of Appeal has been established for any group of Colonies geographically connected, whether federated or not, to which appeals lie from the decisions of the Supreme Courts of such Colonies, it shall be competent for the Legislature of each such Colony to abolish any existing right of appeal from its Supreme Court to the Judicial Committee of the Privy Council.
- " (2) That the decisions of such Court of Appeal shall be final, but leave to appeal from such decisions may be granted by the said court in certain cases prescribed by the Statute under which it is established.
- " (3) That the right of any person to apply to the Judicial Committee of the Privy Council for leave to appeal to it from the decision of such Appeal Court shall not be curtailed."

The Conference adjourned till Tuesday, April 30th, at 11 a.m
