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12 June, 1911.]

IMPERIAL APPEAL COURT.

[7th Day.

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The LORD CHANCELLOR—*cont.*

appeal both for the United Kingdom and for the Dominions and Colonies by selecting two English judges of the finest quality we can find and that there should be a quorum fixed, say, of five, for sitting in the Privy Council. I do not mean that the court should be limited to five—indeed, I should contemplate that it would be generally stronger and that it should sit successively in the House of Lords on the United Kingdom appeals and in the Privy Council on appeals from the Dominions. So that, substantially, you would have the same court sitting both for our appeals and for your appeals.

Viscount HALDANE : In its full strength in each case?

The LORD CHANCELLOR : In its full strength.

Mr. BATCHELOR : And adopting the same practice of giving individual judgments in both cases or the same. I do not much care which way it is.

The LORD CHANCELLOR : I should say that would be according to the feeling and wishes of those whose cases are adjudicated. I do not know whether in England it is desired to alter the practice so as to have one judgment in the House of Lords.

The PRESIDENT : I do not think it is.

The LORD CHANCELLOR : I do not think it is.

Sir JOSEPH WARD : What representation from the Dominions do you suggest upon that point? You have not stated that.

The LORD CHANCELLOR : I thought I had stated that. What I mean is that if any Dominion wishes its cases to be heard by any class of judge at all, its own judges, we should certainly meet that. All that New Zealand, for example, would have to do would be to say : "We desire that a New Zealand judge should be present in New Zealand cases."

Sir JOSEPH WARD : That means that a judge would require to leave our country for about six months to take part in the hearing of possibly only one case, and in all probability that case would have been tried before him or have been before the appeal court in New Zealand of which he was one of the judges.

The PRESIDENT : Yes, that is very likely; but Sir Joseph, supposing you had a New Zealand judge here always, the one chosen for the purpose, he has no special acquaintance any more than an English judge has with the systems of law which are administered in Canada and South Africa.

Sir JOSEPH WARD : That is so, but he would have with the New Zealand law.

The PRESIDENT : Nor has he any special acquaintance with the system of law administered in the United Kingdom.

Dr. FINDLAY : There is a good deal of community of law between us and Australia particularly in regard to the land question.

The PRESIDENT : No doubt in Australian cases he would be more or less at home—I am only throwing this out—but he does not appear to have any qualification which would not be equally possessed by an ordinary English lawyer for disposing of South African, Canadian, or Indian cases.