

7th Day.]

IMPERIAL APPEAL COURT.

[12 June, 1911.]

The LORD CHANCELLOR: Is this the substance of what is proposed—I think it has been spoken to by all the Prime Ministers: That there should be one final court of appeal for the whole British Empire in two divisions, the first division for the United Kingdom, consisting of the same persons as now are entitled to sit in the House of Lords, and the second division for the oversea Dominions, consisting of those now entitled to sit on the Judicial Committee, with such further additions as may be needed. Does that represent the view?

Sir JOSEPH WARD: I should accept that.

Mr. FISHER: Practically it is that.

Sir JOSEPH WARD: I think that is the only *modus vivendi*, and that meets the position.

The PRESIDENT: I think so. Then Mr. Fisher proposes something.

Mr. FISHER: I suggest something like this: "Having heard the Prime Minister, the Lord Chancellor, and Lord Haldane on this question, the Conference remits the question of establishing one final court of appeal for all cases for consideration and the submission of a scheme"—

The PRESIDENT: "On the lines indicated by the Lord Chancellor."

Mr. FISHER: Yes.

Mr. BATCHELOR: May I say that in my view it still ought to be understood that as far as we are concerned we look towards one final court of appeal for the Empire. As to the division of it, I do not know whether it is necessary for this Conference to recommend a division. A division seems to be the only possible practical method of arranging it at present.

The PRESIDENT: For the time being.

Mr. BATCHELOR: For the time being. I think it ought to be understood that it is a proposal for the time being, and not an ultimate conclusion of the whole matter.

The PRESIDENT: No, that is clearly understood.

The LORD CHANCELLOR: There is another thing, and that is, the suggestion was made about strengthening the Judicial Committee of the Privy Council and the House of Lords, or strengthening the court.

Mr. FISHER: That comes under the one final court of appeal. You are responsible for making it what it ought to be.

The PRESIDENT: As strong as possible.

The LORD CHANCELLOR: Do I understand that there is an assent to that proposition?

Mr. FISHER: On my behalf—yes.

The PRESIDENT: There is another point of which notice ought to be taken, because, as far as I know, it is the unanimous opinion of all the representatives of the Dominions that it is desirable if possible that the procedure in regard to the