

CHAIRMAN—*cont.*

broader principle of uniformity of procedure throughout the Empire, it would be very desirable if we could arrive at an agreement as to what should be done, because we should have to consider various details of procedure before anything effective could be done. All that is being asked at the present moment—I am particularly anxious that the Committee should understand that—is that this resolution should be agreed to if you think fit. That the Imperial Government should consider it in concert with the Dominion Governments, and then see by discussion between us what can possibly be done and what form the legislation should take, because we should have to have legislation in this country, and I think it would be necessary to have legislation in the Dominions also.

Mr. MALAN : Have you a system here of getting the award of the arbitrator confirmed by Order of the Court ?

CHAIRMAN : Yes, both under our Arbitration Act and under our Rules of the Supreme Court.

Mr. MALAN : Could not that Order of the Court be executed elsewhere ?

CHAIRMAN : No.

Mr. MALAN : Would not that be a simple way of doing it ?

CHAIRMAN : You mean could we do that ?

Mr. MALAN : Yes.

CHAIRMAN : I agree it would be a very simple way of doing it, if you once have agreement that it shall be done. What we do with regard to Scotland and Ireland may be of some assistance. We have the Judgments Extension Act of 1868 under which we have a very simple procedure of registration of a judgment of this country in Scotland or in Ireland and *vice versâ*, and the moment you have that registration then the judgment is as effective, for example, in Scotland as if it had been given in Scotland, although it is only given in this country. It is upon those lines I should suggest that we should consider, if you accept this Resolution, whether in any legislation of that kind, extending an Order which is made to enforce the award to the Dominions which would agree to it, we should not have recourse to the same kind of procedure and practice.

Mr. MALAN : We had something similar in South Africa before the Union. Now we have one Supreme Court and the Order of one Provincial Division runs in the other Province, but before that we had something very similar. I think, if we limited our machinery to the enforcement of an Order of Court outside the country in which the Order was taken, that would be effective. I do not know that we could go so far as to recognise an Arbitration Award outside a Court of Law, but if the Arbitration Award is once confirmed by a Court of Law of recognised standing, then if that Order is confirmed in a Court of Record, I think it might be worked.

Dr. FINDLAY : What, I take it, is suggested is that the provision existing in New Zealand with regard to awards made in New Zealand should be made applicable to awards made—under agreement, of course—here in the United Kingdom. An award may, with the leave of the judge, be enforced in the same way as a judgment or any other Order of the Court. Now why should not the production of an award made in the United Kingdom by the leave of your judge or ours be enforced in the same way as a judgment or Order of the Court ?

Mr. MALAN : For one thing it will lead to complicated inquiries from time to time as to whether this arbitration was a legal arbitration, and whether the two parties were agreed, and so on. If it be an Order of Court, and you know the standing of that Court, the thing is simple.