

No. 1.

New Zealand, No. 79.

MY LORD,—

Downing Street, 21st February, 1913.

I have the honour to request that you will inform your Ministers that I have had under consideration, in conjunction with the Lord President of the Council, the terms of section 4 of Act No. 22 of 1912 of the Parliament of the Dominion of New Zealand, entitled “An Act to amend the Divorce and Matrimonial Causes Act, 1908.”

A.—1, 1914,
No. 36.

2. This section provides that, notwithstanding the provisions of section 72 and section 73 of the Act of 1908, no appeal shall lie to His Majesty in Council from any decree making absolute a decree *nisi* for the dissolution of a marriage.

3. I have, however, to remind your Ministers that by the Judicial Committee Act, 1844, it is enacted that it shall be competent to Her Majesty by an Order or Orders in Council to provide for the admission of appeals to Her Majesty in Council from any judgments, sentences, decrees, or orders of any Court of justice within any British colony or possession abroad, although such Court may not be a Court of Error or a Court of Appeal within such colony or possession. In pursuance of this Act, and with the concurrence of your Government, an Order in Council was made on the 10th January, 1910, by clause 2 of which it is expressly provided that an appeal shall lie to the Judicial Committee of the Privy Council at the discretion of the Supreme Court from any final judgment of that Court if, in the opinion of that Court, the question involved in the appeal is one which, by reason of its great general or public importance, or of the magnitude of the interests affected, or for any other reason, ought to be submitted to His Majesty in Council for decision. Clause 28 also provides that nothing in the rules shall be deemed to interfere with the right of His Majesty, upon the humble petition of any person aggrieved by any judgment of the Court, to admit his appeal therefrom upon such conditions as His Majesty in Council shall think fit to impose.

4. Under section 2 of the Colonial Laws Validity Act, 1865, section 4, so far as it relates to appeals to His Majesty in Council, is void as being repugnant to an Order in Council made under the authority of an Imperial Act applicable to the Dominion, and it is therefore still open to His Majesty in Council to grant special leave to appeal from a decree making absolute a decree *nisi*, and it is also open to the Supreme Court to grant leave to appeal to His Majesty in Council in the circumstances contemplated in the Order in Council.

5. I presume, therefore, that your Ministers will desire, in order to avoid the possibility of misunderstanding, to secure the amendment of the Act by the omission of the reference to His Majesty in Council, and I propose, therefore, for the present, to defer taking His Majesty's pleasure with regard to the Act.

I have, &c.,

L. HARCOURT.

Governor His Excellency the Right Hon. the Earl of Liverpool,
K.C.M.G., M.V.O., &c.

No. 2.

New Zealand, No. 82.

MY LORD,—

Downing Street, 27th February, 1913.

With reference to my despatch, No. 50, of the 24th January, 1913, I have the honour to request you to inform your Ministers that the sub-committee of the National Association for the Prevention of Infant Mortality and for the Welfare of Infancy, which has been appointed to make arrangements for the English-speaking conference on infant mortality, would be glad if your Government would be so good as to make it known throughout New Zealand that the association would welcome offers from experts of suitable papers bearing on the subject set down for discussion, and that places will be reserved on the programme for any such papers which may be offered.

I have, &c.,

L. HARCOURT.

Governor His Excellency the Right Hon. the Earl of Liverpool,
K.C.M.G., M.V.O., &c.