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1871.

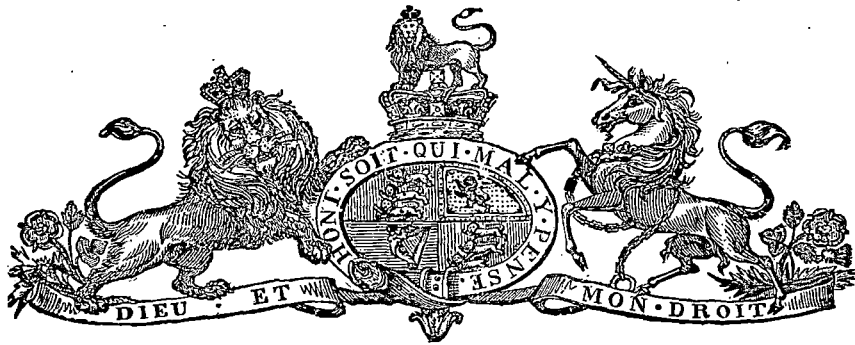
T A S M A N I A.

LEGISLATIVE COUNCIL.

HIGH COURT OF APPEAL FOR
AUSTRALASIAN COLONIES.

CIRCULAR DESPATCH FROM SECRETARY OF STATE.

Laid upon the Table by Mr. Wilson, and ordered by the Council to be printed,
December 20, 1871.



TASMANIA.

Circular.

Downing-street, 8th August, 1871.

SIR,

I TRANSMITTED to the Lord President of the Privy Council extracts of so much of the Report of the Royal Commission appointed by the Governor of Victoria to consider and report upon certain questions of Intercolonial Legislation as relates to the proposed establishment of a High Court of Appeal for the Australian Colonies; and I have received in reply the enclosed letter and statement, which, in accordance with His Lordship's suggestion, I request that you will communicate to your Government, and to the Judges, and make generally known in the Colony in such manner as you may deem most convenient.

As I have not yet been informed that the Government of Victoria has adopted the recommendations of the Commission, and as I have no means of judging whether those recommendations are likely to be favourably received in the other Australasian Colonies, I abstain at present from attempting to form any conclusion as to the necessity or expediency of constituting such an Appeal Court as is proposed.

I will only observe that the Lord President's letter, with the statement annexed to it, seems to me to deserve the careful consideration of your Government, and of all persons in the Colonies who take an interest in this important subject.

I have the honor to be,

Sir,

Your most obedient humble Servant,

KIMBERLEY.

Governor DU CANE.

THE REGISTRAR OF THE PRIVY COUNCIL TO THE ASSISTANT UNDER-SECRETARY OF STATE FOR THE COLONIAL DEPARTMENT, ON THE SUBJECT OF THE APPELLATE JURISDICTION OF HER MAJESTY IN COUNCIL, OVER THE AUSTRALIAN COLONIES.

July 20th, 1871.

SIR,

I HAVE laid before the Lord President of the Council your letter of the 21st June, inclosing, by direction of the Earl of Kimberley, a copy of the first Report of the Royal Commission of the Colony of Victoria on the subject of Intercolonial Legislation and a Court of Appeal for the Australian Colonies, and I am to inform you that his Lordship's attention has been directed to that part of the Report which relates to Appeals to Her Majesty in Council. On this subject I am directed by the Lord President to address to you the following remarks, in the hope that they may serve to correct some misapprehensions which appear to exist in the Australian Colonies.

In order to show precisely the amount of the business which has come before Her Majesty in Council and the Judicial Committee from the Australian Colonies since their settlement, Lord Ripon has caused the statement to be prepared which I have the honor to annex to this letter. His Lordship would suggest that it may be desirable to cause this Statement to be extensively made known in all the Australian Colonies, and for this purpose forty copies of it will be sent herewith.

It appears from this Statement that the total number of Appeals from New South Wales from 1842 to 1871 has been 64, of which 41 have been heard, and 23 dismissed for non-prosecution; from Victoria there have been 32 Appeals, of which 23 have been heard, 9 have been dismissed for non-prosecution; from Tasmania there have been 3 Appeals, from Queensland 1, from New Zealand 3, from South Australia 5 have been heard and 4 dismissed for non-prosecution, from Western Australia there have been none.

The whole Appellate business from the Australian Colonies therefore has amounted to 112 cases, of which one-third have never been prosecuted at all. The cases actually heard average 2 or 3 a year. Out of a list of 86 Appeals set down for hearing after Trinity Term, there was but 1 from New South Wales and 1 from Victoria, and these two cases have just been heard. The business of the Australian Colonies forms therefore but a very small fraction of the business of the Privy Council.

It also appears from this statement, which gives the exact dates of the setting down and hearing of each case, that no case from any Australian Colony has ever been delayed more than a very few months after it was ripe for hearing. The delays, such as they are, are attributable entirely to the parties themselves, and not to this Court.

The statements contained in the note to page 14 of the Report are not consistent with the facts relating to Appeals from the Australian Colonies, which will be found in the accompanying paper. Nothing has occurred to justify the assertion that "the number of Appeals from the vast dominions of the Crown is greater than it appears the Privy Council is capable of dealing with." The excess of Appeals at present coming on for hearing has arisen solely in Bengal. There is no arrear of any Appeals but those from India. The Lords of the Judicial Committee have never allowed the Colonial or other business of the Court to be tied up or postponed by the Indian Causes. The time of the Court has been divided equally between the several jurisdictions it is called upon to exercise.

The Royal Commission advert to the inconveniences arising from the prosecution of an Appeal in criminal cases to England. The Lords of the Council are fully aware of these inconveniences, and they have on almost every occasion refused and discouraged all attempts to bring before them criminal cases, insomuch that there are not more than two or three instances of any such application being made with success from any part of the Empire. But recently, on an urgent application made on behalf of the Attorney-General of New South Wales, based on grounds of public policy, their Lordships were induced to grant special leave to appeal in two criminal cases from that Colony. These cases were heard on their arrival in this country within a few days of the date of their setting down. No delay whatever arose but that which is inseparable from the distance.

The appellate jurisdiction of Her Majesty in Council exists for the benefit of the Colonies, and not for that of the mother country; but it is impossible to overlook the fact that this jurisdiction is a part of the prerogative which has been exercised for the benefit of the Colonies from the date of the earliest settlements of this country, and that it is still a powerful link between the Colonies and the Crown of Great Britain. It secures to every subject of Her Majesty throughout the Empire his right to claim redress from the Throne; it provides a remedy in certain cases not falling within the jurisdiction of ordinary Courts of Justice; it removes causes from the influence of local prepossessions; it affords the means of maintaining the uniformity of the law of England in those Colonies which derive the great body of their law from Great Britain; and it enables suitors, if they think fit, to obtain a decision in the last resort from the highest judicial authority and legal capacity existing in the metropolis.

The power of establishing or remodelling the Colonial Courts of Justice is vested by the 28 and 29 Victoria in the Colonial Legislatures; and it is undoubtedly desirable that the Colonial Courts of Justice should be so constituted as to inspire confidence in their decisions, and to give rise to very few ulterior Appeals. That is in fact the case with the Superior Courts of Westminster Hall; and the small number of Appeals from the Australian Courts is the best testimony to the excellency of those Courts also. But the controlling power of the highest Court of Appeal is not without influence and value, even when it is not directly resorted to. Its power, though dormant, is not unfelt by any Judge in the Empire, because he knows that his proceedings may be made the subject of Appeal to it.

But it by no means follows as a necessary consequence of the powers vested in the Colonial Legislatures by the 28 and 29 Victoria, that laws should be enacted which would control the exercise of the prerogative of the Crown in the exercise of its Supreme Appellate Jurisdiction.

I have the honor to be,

Sir,

Your obedient Servant,

HENRY REEVE, *Reg. P. C.*

Hon. ROBERT MEADE.

STATEMENT of all the Appeals to Her Majesty in Council from the Australian Colonies of New South Wales, Victoria, South Australia, Queensland, West Australia, Tasmania, and New Zealand, which have been forwarded to England down to the 1st July, 1871.

Names of Parties.	Whence.	Date of Decree appealed from.	Date of Arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
1. Sydney Stephen v. Judges of Supreme Court	Van Diemen's Land	17th Dec. 1842	—	19th Oct. 1846	29th Mar. 1847	
2. Bank of Australasia v. Bank of Australia	New South Wales	5th Aug. 1845	—	25th May, 1847	29th Feb. 1848	
3. Flint v. Walker	New South Wales	5th July, 1844	—	22nd May, 1847	10th Dec. 1847	
4. Marquis of Bute v. Mason and others	New South Wales	2nd Dec. 1845	—	20th April, 1849	5th July, 1849	
5. Algernon Montagu v. Governor and Council of Van Diemen's Land	Van Diemen's Land	31st Dec. 1847	—	30th May, 1849	3rd July, 1849	
6. Attorney-General of New Zealand v. Clarke	New Zealand	—	—	5th Oct. 1850	15th May, 1851	
7. Doe dem Devine v. Wilson	New South Wales	5th April, 1852	8th Aug. 1854	27th June, 1855	27th Nov. 1855	
8. Oswald Bloxsome & v. [others Scott	New South Wales	22nd June, 1853	16th Oct. 1854	—	—	Dismissed for Non Pros.
9. Terry Hughes and v. [others Hoskings and others	New South Wales	12th Oct. 1853	28th Nov. 1855	5th June, 1856	15th July, 1856	
10. Fenton and Fraser v. Hampton	Tasmania	27th Nov. 1855	15th Oct. 1856	4th Nov. 1857	17th Feb. 1858	
11. Bunny v. Hart	New Zealand	29th May, 1856	10th Feb. 1857	10th June, 1857	24th July, 1857	
12. Towns v. Wentworth	New South Wales	28th April, 1856	14th April, 1857	28th Dec. 1857	26th Feb. 1858	
13. How and another v. Kirchner and others	New South Wales	28th April, 1855	15th May, 1857	—	—	Dismissed for Non Pros.
14. Gordon v. Scott and others	New South Wales	5th Feb. 1857	5th Sept. 1857	23rd Jan. 1858	25th Feb. 1858	
15. Kirchner and others v. Venus	New South Wales	1st Aug. 1857	16th Mar. 1858	25th Jan. 1859	16th Mar. 1859	
16. Robertson v. The Governor and Council of N. S. Wales	New South Wales	—	23rd April, 1858	—	14th June, 1858	Dismissed on Petition
17. Lord v. Commissioners of the City of Sydney	New South Wales	3rd May, 1856	19th July, 1858	27th Jan. 1859	12th Feb. 1859	
18. Mortimer and Ander- v. [son Mort	New South Wales	8th Aug. 1857	16th Aug. 1858	—	—	Dismissed for Non Pros.

Names of Parties.	Whence.	Date of Decree appealed from.	Date of Arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
19. Jones and others v. Mackenzie	New South Wales	26th Feb. 1858	12th Jan. 1859	10th June, 1859	19th July, 1859	
20. M'Ewan and another v. Guthridge	Victoria	4th Nov. 1858	1st April, 1859	19th Jan. 1860	5th Feb. 1860	
21. Williams and others v. Byrnes	New South Wales	30th Nov. 1857	11th June, 1859	—	—	Dismissed for Non Pros.
22. Toogood v. Campbell & Buchanan	New South Wales	4th Sept. 1858	19th Sept. 1859	—	—	Dismissed for Non Pros.
23. Devine v. Holloway and others	New South Wales	24th Aug. 1858	12th Jan. 1860	1st Jan. 1861	13th Mar. 1861	
24. Murnin v. Macfarlane	New South Wales	1st Feb. 1858	12th Mar. 1860	—	—	Dismissed for Non Pros.
25. Hogan v. Hand and others	New South Wales	14th Jan. 1860	16th June, 1860	29th Jan. 1861	13th Mar. 1861	
26. The Liverpool and London Fire and Life Insurance Company v. Nichols	New South Wales	18th April, 1860	19th Sept. 1860	—	—	Dismissed for Non Pros.
27. The Bank of Australia v. [lasia J. and G. Harris	Queensland	—	19th Sept. 1860	13th May, 1861	8th Feb. 1862	
28. Humphrey and Christian v. Nowland	New South Wales	30th Dec. 1859	22nd Oct. 1860	9th Jan. 1862	5th Mar. 1862	
29. Booth and others v. A'Becket and others	Victoria	22nd Oct. 1858	20th Dec. 1860	19th Feb. 1863	18th June, 1863	
30. Tooth v. Fleming	New South Wales	11 June, 1860	19th Jan. 1861	—	—	Dismissed for Non Pros.
31. Hosking and another v. Terry and another	New South Wales	12th Jan. 1860	19th Jan. 1861	6th June, 1862	28th July, 1862	
32. Palmer v. Service and others	Victoria	1st Sept. 1860	18th Feb. 1861	—	—	Dismissed for Non Pros.
33. <i>In re</i> Henry Bunny	New Zealand	20th Nov. 1860	21st Mar. 1861	Jan. 1862	11th Feb. 1862	
34. Lang v. Attorney-General of N. S. Wales and others	New South Wales	31st July, 1860	21st Mar. 1861	29th Jan. 1862	25th Feb. 1862	
35. Higgins v. Single	New South Wales	19th Dec. 1860	18th April, 1861	—	—	Dismissed for Non Pros.
36. Hillas v. Poor	New South Wales	5th July, 1860	22nd July, 1861	16th April, 1862	21st June, 1862	
37. Manning and another v. Siemssen and others	New South Wales	12th Oct. 1860	22nd July, 1861	—	—	Dismissed for Non Pros.
38. Harris and another v. The Bank of Australasia	New South Wales	10th Dec. 1860	22nd July, 1861	13th Nov. 1861	8th Feb. 1862	
39. Osborne and others v. Eales	New South Wales	10th Dec. 1860	20th Sept. 1861	31st May, 1862	16th July, 1862	

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
40. Smith v. Mackenzie	New South Wales	24th Oct. 1860	23rd Oct. 1861	—	—	Dismissed for Non Pros.
41. In the matter of Grieve, an attorney v. <i>Ex parte</i> Bennet and others	Victoria	4th Dec. 1860	23rd Oct. 1861	—	—	Dismissed for Non Pros.
42. Vivers v. Tuck	New South Wales	3rd July, 1861	19th May, 1862	11th Nov. 1863	1st Dec. 1863	
43. Lloyd and another v. Wallack	New South Wales	30th Aug. 1861	16th June, 1862	—	—	Dismissed for Non Pros.
44. Bullen and another v. A'Beckett and others	Victoria	4th Sept. 1861	20th Oct. 1862	2nd June, 1863	7th July, 1863	
45. Williams and another Exors. of Jobbins v. J. and W. Byrnes	New South Wales	7th Feb. 1862	21st Nov. 1862	29th Jan. 1863	4th March, 1863	
46. Robertson v. Dumaresq	New South Wales	26th June, 1861	19th Jan. 1863	12th Jan. 1864	17th Feb. 1864	
47. Dill v. Murphy and another	Victoria	24th Dec. 1862	23rd Mar. 1863	9th June, 1863	2nd Feb. 1864	
48. Dean and another v. Byrnes and others	New South Wales	3rd Feb. 1863	22nd July, 1863	1st June, 1864	23rd July, 1864	
49. Hyland v. Moore	New South Wales	20th Nov. 1862	18th Sept. 1863	—	—	Dismissed for Non Pros.
50. M'Kenzie v. Barker	New South Wales	3rd Feb. 1863	21st Oct. 1863	11th Nov. 1864	19th June, 1865	
51. Graham and another v. Berry	New South Wales	7th Feb. 1862	20th Nov. 1863	4th Jan. 1865	26th May, 1865	
52. Osborne and others v. Eales	New South Wales	20th July, 1863	19th Dec. 1863	27th Jan. 1864	16th Mar. 1864	
53. Cooper v. Hellyer and another	New South Wales	1st May, 1861	18th Feb. 1864	—	—	Pending
54. Evans and others v. The Queen	Victoria	31st Mar. 1863	17th Mar. 1864	20th April, 1865	1st Feb. 1866	
55. Esteban De Comas v. Prost and another	New South Wales	9th July, 1863	18th April, 1864	30th Jan. 1865	29th Mar. 1865	
56. Macleay and another v. Tooth	New South Wales	22nd Dec. 1863	17th May, 1864	—	—	Dismissed for Non Pros.
57. Teschemaker and another v. M'Lean	New Zealand	27th Oct. 1863	24th June, 1864	—	—	Dismissed for Non Pros.
58. Strode v. Evans	New Zealand	9th Mar. 1864	21st Oct. 1864	20th Jan. 1866	—	Withdrawn by consent
59. The European Assurance Society v. The Colonial Bank of Australasia	Victoria	24th Mar. 1864	21st Oct. 1864	—	—	Dismissed for Non Pros.

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
60. <i>In re</i> the Estate of Rutledge and Co. <i>Ex parte</i> Rolfe and another	Victoria	28th May, 1863	21st Nov. 1864	9th June, 1865	1st Feb. 1866	
61. The Queen <i>v.</i> Hughes and another	South Australia	29th Aug. 1864	21st Nov. 1864	18th June, 1865	1st Feb. 1866	
62. Walker <i>v.</i> Jones	New South Wales	6th Aug. 1864	13th Dec. 1864	6th June, 1865	16th Feb. 1866	
63. The Queen <i>v.</i> Dallimore and others	Victoria	10th Sept. 1864	22nd Dec. 1864	27th May, 1865	21st Dec. 1865	
64. Bank of Australasia <i>v.</i> Flower and Co., <i>in re</i> Estate of Rutledge	Victoria	24th Sept. 1862	21st Feb. 1865	9th June, 1865	1st Feb. 1866	
65. The Attorney-General <i>v.</i> Eagar	New South Wales	12th Sept. 1864	23rd Mar. 1865	—	—	Dismissed for Non Pros.
66. M'Evoy <i>v.</i> Tyson	New South Wales	6th Dec. 1864	19th May, 1865	14th May, 1866	3rd Nov. 1866	
67. Elsdon <i>v.</i> Jenkyns	Victoria	8th Sept. 1864	11th July, 1865	—	—	Dismissed for Non Pros.
68. Byrnes and another <i>v.</i> Clough and another	Victoria	5th Sept. 1864	24th July, 1865	—	—	Dismissed for Non Pros.
69. Irving <i>v.</i> The Alliance Bank	New South Wales	1st Oct. 1865	17th Feb. 1866	—	—	Dismissed for Non Pros.
70. McDonald & another <i>v.</i> Osborne	New South Wales	17th Feb. 1866	19th May, 1866	—	—	Dismissed for Non Pros.
71. Whyte <i>v.</i> Cargill	New South Wales	6th Dec. 1865	18th June, 1866	—	—	Dismissed for Non Pros.
72. Dines <i>v.</i> Wolfe	New South Wales	7th Mar. 1864	18th June, 1866	9th June, 1868	2nd Feb. 1869	
73. Williams <i>v.</i> Board of Land and [Works]	Victoria	1st Sept. 1865	15th Sept. 1866	—	—	Dismissed for Non Pros.
74. The Queen <i>v.</i> Bertrand	New South Wales	23rd Feb. 1866	12th Nov. 1866	22nd Feb. 1867	10th July, 1867	
75. The Oriental Bank Corporation <i>v.</i> The Australian Joint Stock Bank	New South Wales	1st August and 14th Sept. 1866	3rd Dec. 1866	—	2nd Dec. 1867	Withdrawn
76. Campbell <i>v.</i> The Queen	New South Wales	—	20th Dec. 1866	—	13th Dec. 1867	Withdrawn
77. Elder <i>v.</i> Galbraith	South Australia	12th Sept. 1865	20th Dec. 1866	—	—	Dismissed for Non Pros.
78. Kyte <i>v.</i> Williams	Victoria	28th Nov. 1866	21st Mar. 1867	—	—	Dismissed for Non Pros.
79. Connor <i>v.</i> Holmes and others	Victoria	27th Nov. 1865	21st Mar. 1867	—	21st June, 1869	Dismissed for Non Pros.
80. Webster and others <i>v.</i> Power and others	Victoria	18th May, 1865	21st Mar. 1867	11th Jan. 1868	13th Mar. 1868	

Names of Parties.	Whence	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgement on Appeal.	Observations.
81. Bruce v. The Queen	Victoria	1st Sept. 1866	23rd Mar. 1867	—	—	Dismissed for Non Pros.
82. Fitzgerald v. Fitzgerald	New South Wales	5th Dec. 1866	27th May, 1867	1st Jan. 1868	17th June, 1868	
83. Lewis v. McMullen	Victoria	21st Mar. 1867	21st Oct. 1867	11th July, 1868	19th Feb. 1869	
84. Murphy and another v. Glass	Victoria	6th Sept. 1867	18th Feb. 1868	30th May, 1868	19th Feb. 1869	
85. Wilson and another v. Threkeld	Victoria	18th Sept. 1867	30th Mar. 1868	14th May, 1869	8th July, 1869	
86. Cherry and another v. The Colonial Bank of Australasia	Victoria	6th Sept. 1867	19th June, 1868	25th Jan. 1869	19th July, 1869	
87. The Queen v. Murphy	New South Wales	24th Sept. 1867	25th Aug. 1868	11th June, 1869	17th July, 1869	
88. South Australian In- surance Company, Limited v. Randell and another	South Australia	31st Aug. 1868	9th Nov. 1868	23rd June, 1869	14th Dec. 1869	
89. Mullen v. National Bank of Australia	South Australia	13th Mar. 1868	9th Nov. 1868	7th Aug. 1869	15th Dec. 1869	
90. Palmer v. Klingebiel	South Australia	24th Oct. 1867	9th Nov. 1868	—	—	Dismissed for Non Pros.
91. Levinger v. The Queen	Victoria	—	11th Nov. 1869	—	26th July, 1870	
92. Anderson and others v. Pacific Fire and Marine Insurance Company	Victoria	23rd June, 1868	7th Dec. 1868	29th April, 1869	7th July, 1869	
93. Hassall and others v. Moore and another	Victoria	24th Sept. 1868	30th Jan. 1869	—	—	Withdrawn
94. Hassell and others v. Faulkner and another	Victoria	24th Sept. 1868	30th Jan. 1869	—	—	Withdrawn
95. Hassell and others v. The Creswick Grand Trunk Gold Mining Company Regd.	Victoria	19th May, 1868	30th Jan. 1869	—	—	Withdrawn
96. Moffatt v. Bateman	Victoria	4th Sept. 1868	31st Mar. 1869	10th July, 1869	15th Dec. 1869	
97. Smith v. Bews	South Australia	25th Sept. 1868	31st Mar. 1869	—	—	Dismissed for Non Pros.
98. Read v. Pawle	New South Wales	15th Mar. 1868	19th June, 1869	—	—	Pending
99. National Bank of Australasia v. Cherry and others	South Australia	8th Dec. 1868	16th July, 1869	20th Dec. 1869	30th June, 1870	

Names of Parties.	Whence.	Date of Decree appealed from.	Date of arrival of Record.	When set down for hearing.	Date of Judgment on Appeal.	Observations.
100. Ayers and others v. The South Australian Banking Company	South Australia	7th Jan. 1869	16th July, 1869	29th Aug. 1870	2nd Feb. 1871	
101. The Queen v. Macpherson	New South Wales	8th June, 1868	13th Aug. 1869	1st April, 1870	7th July, 1870	
102. Logan v. Sempill, Official Assignee of Estate of Strachan and Company	New South Wales	26th Sept. 1868	13th Aug. 1869	—	—	Dismissed for Non Pros.
103. The Walhalla Gold Mining Company v. Mulcahy & another	Victoria	19th May, 1865 and 15th June, 1869	8th Oct. 1869	24th Nov. 1870	20th July, 1871	
104. Cherry and others v. Morrison & another	South Australia	25th May, 1869	8th Jan. 1870	—	—	Dismissed for Non Pros.
105. Day v. Day and others	New South Wales	1st Sept. 1869	29th Jan. 1870	17th Dec. 1870	20th July, 1871	
106. Smith v. Harrison & others	Victoria	2nd Sept. 1869	26th Feb. 1870	—	—	Pending
107. The Bank of Van Diemen's Land v. The Bank of Victoria	Victoria	7th Sept. 1869	26th Feb. 1870	10th Aug. 1870	27th Jan. 1871	
108. The Speaker of the Legislative Assembly Re Hugh Glass	Victoria	26th June, 1869	19th May, 1870	13th Dec. 1870	31st Jan. 1871	
109. Eales v. Montefiore	New South Wales	7th Sept. 1869	11th July, 1870	28th Oct. 1870	31st Jan. 1871	
110. The Australian Steam Navigation Company v. Morse and another	New South Wales	7th March, 1870	2nd Jan. 1871	—	—	Pending
111. Read v. Pawle	New South Wales	21st March, 1870	30th Jan. 1871	—	—	Pending
112. The London Chartered Bank of Australia v. Lempriere & others	Victoria	23rd Dec. 1870	23rd May, 1871	—	—	Pending

From 1842 to 1871 the total number of Appeals to the Queen in Council from the seven colonies of New South Wales, Victoria, South Australia, Queensland, West Australia, Tasmania, and New Zealand, is 112 : 64 have been lodged from New South Wales; 32 from Victoria; 3 from Tasmania; 1 from Queensland; 3 from New Zealand; 9 from South Australia; none from West Australia. Of these, 71 have been heard and 5 are still pending; 36 have been dismissed for non-prosecution or withdrawn. These numbers comprise the whole of the appeals which have been brought from the Australian colonies to England.

If the foregoing statement be examined, it will be found that there is frequently considerable delay in the transmission of the Records to England—sometimes extending to a period of two years. There is also considerable delay between the arrival of the Records in England and the date at which the case is set down for hearing. Over these delays the Lords of the Privy Council exercise no control. They are attributable solely to the parties in the colony or to their agents in England. But with reference to the interval of time between the setting down the case and the final hearing, it will be seen from the 5th and 6th columns of this statement that this delay has been very slight indeed—seldom exceeding 6 months, and many appeals have been disposed of considerably within that period—in 3 months or less. There is, therefore, no ground whatever for the allegation that the appeals from the Australian colonies have not been disposed of with the utmost despatch after the parties had taken the necessary steps to set them down for hearing.

HENRY REEVE, *Reg. P. C.*

Council Office, Whitehall, 20th July, 1871.