

the total number of cases in all the colonies the bulk is a very minute proportion. That is a question generally of the conflict of laws. That kind of difficulty arises just as much in the forty-five or forty-eight States in the Union in the United States as it does, or ever will, in these colonies. They have to put up with difficulties of that sort. As a matter of fact, there are even greater differences in relation to marriage and divorce between the three kingdoms forming the Kingdom of Great Britain now.

252. Are you aware whether in Australia there is any Legitimation Act in force similar to ours?—I am not aware. It is a matter that would be within the legislative dominion of each provincial Parliament. It is so now, and would be so under the Constitution.

253. *Hon. Captain Russell.*] Under the Commonwealth?—I think that is so.

254. *Hon. the Chairman.*] Have you considered the question of the establishment of a Federal Court of Appeal?—Yes. I should have referred to that when you first asked me to state what I considered to be the difficulties. Personally, I altogether disagree with the course adopted by Australia. I think it is a most unfortunate course. It has had the effect of practically abolishing the appeal to the Privy Council. It may be that that is satisfactory to the Australian Colonies. They may know their own affairs, and that may be satisfactory; but when that comes to touch New Zealand it must be looked at from our point of view. In Australia the appeal would be from the Supreme Court to a Court locally situated on the Continent somewhere—in the capital. From New Zealand it would be an appeal from New Zealand to Australia, and there is no particular advantage, if an appeal has to go out of the colony, in going to Australia as compared with England. On the contrary, I think the advantage is all in favour of retaining the appeal to England.

255. Have you considered the question of the appointment of colonial Judges in the event of New Zealand federating with Australia?—I do not think that would be affected. The Judges of the Courts of the other colonies would be appointed as they are now. I do not think the Supreme Court of each colony would be affected at all by the change.

256. Do you consider the powers of legislation of the Federal Parliament conferred by section 51 of the Act to be limited and restricted to the several matters therein mentioned, or is there anything in the Act to prevent them legislating on any matters affecting the States?—There are other matters scattered through the Act, but practically they are limited to those subjects and others specially mentioned in the Act. They have not general legislative authority.

257. You think not?—I think not. The wording is: "The Parliament shall, subject to the Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to"—and then are enumerated the different matters. If I remember aright, the Canadian Constitution goes further, and gives more general power to legislate concerning the peace, order, and good government of the Dominion.

258. *Hon. Captain Russell.*] You told us when you commenced that from an ideal standpoint you were rather in favour of federation?—Yes, most decidedly. If I could see that we entered upon terms compatible with the dignity and interests of the colony I should style myself a Federalist. The question of defence alone is one which renders that desirable. It is impossible to look aside from that now. The whole aspect of the Pacific, and of the States in the Pacific generally, has altered in the last few years. We now have neighbours in the Pacific. We had not a few years ago. There are naval Powers in the Pacific now. Up till recently there was only one besides the British, and that was the French. Now there are several. The whole aspect of affairs has changed, and I am quite satisfied these colonies must put themselves in a position to satisfy the outside world they are thoroughly defensible. No doubt, this colony can, in a great measure, look after itself if it sets to work thoroughly; but federation gives great advantages when the Constitution imposes on the Commonwealth the duty of defending each State. It may be to the advantage of New Zealand or to the advantage of another colony—whichever may require the aid.

259. Is it not the case that for the next hundred years, at any rate, the defence of Australasia must be Imperial rather than colonial?—So far as naval defence is concerned, that is so. That is necessarily so; but as to land forces these colonies will have to rely on themselves.

260. Can you conceive of any attack on Australasia which has not first to reckon with the Imperial defence?—No, certainly not. It must first of all reckon with the Imperial navy, excepting a casual and isolated attack upon a point. I agree with you, it must first of all reckon with the Imperial navy. We do not know, however, what would happen if the British Empire were pitted against two or three naval Powers. They might be put under pressure, and have to defend some portions of the Empire to the neglect of others. In that case all these colonies might be thrown back on land defences.

261. Then, on the assumption that the Imperial naval power is destroyed or injured, would it be possible for Australia to help New Zealand, or for New Zealand to send troops to Australia?—I think it would remain possible, unless you assume some dominant Power in full possession of the seas.

262. Even if it was possible to send troops, do you think it would be expedient that either Australia or New Zealand should, in the face of the loss of sea-power by England, denude herself of her own troops?—I think there might be circumstances—it is difficult to imagine any particular condition—in which that could easily be done. It is a question of which portion of the Empire is most easily defended. For instance, Australia is a very difficult country to attack, even if there were no navy there, and it might have men to spare for New Zealand. No doubt the duty would arise to protect New Zealand, even without federation, as a part of the British Empire, but the exercise of the duty in that sense would be rather optional, whereas in this sense it would be obligatory.

263. What other point, do you think, would be specially advantageous, looking at it from the more or less sordid point of how New Zealand is to gain by joining?—There is a question