

the said periods so limited by the said Orders as aforesaid shall have expired: And being of opinion that the said practice is inconvenient and ought in certain cases and subject to certain conditions to be dispensed with: Their Lordships do this day agree humbly to recommend to Your Majesty to order as follows, that is to say:—

“1. That where a respondent to an appeal to Your Majesty in Council whose name has been entered on the record of the appeal by the Court admitting the appeal fails to enter an appearance to the appeal in the Registry of the Privy Council, and it appears from the transcript record in the appeal or from a certificate of the Officer of the Court transmitting the said transcript record to the Registrar of the Privy Council that the said respondent has received notice of the Order admitting the appeal to Your Majesty in Council or of the Order of Your Majesty in Council giving the appellant special leave to appeal to Your Majesty in Council (as the case may be), and has also received notice of the despatch of the said transcript record to the Registrar of the Privy Council, the appellant shall not, subject to any direction by their Lordships to the contrary, be required to take out Appearance Orders calling upon the said respondent to enter an appearance in the appeal, and the appeal may, subject as aforesaid, be set down for hearing *ex parte* as against the said respondent at any time after the expiration of three calendar months from the date of the lodging of the appellant's petition of appeal in like manner as if the said Appearance Orders had been taken out by the appellant and the times thereby respectively limited for the said respondent to enter an appearance had expired.

“2. That where a respondent to an appeal to Your Majesty in Council whose name has been brought on the record of the appeal by an Order of Your Majesty in Council fails to enter an appearance to the appeal in the Registry of the Privy Council, and it appears from the transcript record, or from a supplementary record in the appeal, or from a certificate of the Officer of the Court transmitting the said transcript record or supplementary record to the Registrar of the Privy Council that the said respondent has received due notice of any intended application to Your Majesty in Council to bring him on the record as a respondent to the appeal, the appellant shall not, subject to any direction by their Lordships to the contrary, be required to take out Appearance Orders calling upon the said respondent to enter an appearance in the appeal, and the appeal may, subject as aforesaid, be set down for hearing *ex parte* as against the said respondent at any time after the expiration of three calendar months from the date on which the said respondent shall have been served with a copy of Your Majesty's Order in Council bringing him on the record of the appeal in like manner as if the said Appearance Orders had been taken out by the appellant and the times thereby respectively limited for the said respondent to enter an appearance had expired.

“3. That nothing herein contained shall be deemed to affect the power of their Lordships to order the appellant in an appeal referred by Your Majesty to their Lordships to take out Appearance Orders, or to be excused from taking out Appearance Orders, in any case in which their Lordships shall think fit so to order, and generally to give such directions as to the time at which and the conditions on which an appeal so referred as aforesaid shall be set down as in the opinion of their Lordships the circumstances of the case may require.

“4. That this Order shall apply to all appeals in which the petition of appeal shall be lodged after the date hereof.”

His Majesty, having taken the said representation into consideration, was pleased, by and with the advice of His Privy Council, to approve thereof, and of what is therein recommended. Whereof all persons whom it may concern are to take notice, and govern themselves accordingly.

A. W. FITZROY.

No. 4.

(Miscellaneous.)

MY LORD,—

Downing Street, 13th April, 1905.

With reference to Lord Ranfurly's despatch (No. 59) of the 4th July, 1902, enclosing drawings of the New Zealand Ensign and merchant flag, I should be glad if Your Lordship would be good enough to transmit to me a copy of the badge of the colony as it appears on the flag to be used by the Governor in accordance with Chapter XX, Article 432.3 of the Colonial Regulations, when embarked in boats or other vessels.

I have, &c.,

ALFRED LYTTTELTON.

Governor the Right Hon. Lord Plunket, K.C.V.O., &c.

No. 5.

(Circular.)

SIR,—

Downing Street, 25th April, 1905.

I have the honour to transmit to you a copy of a letter, with enclosures, received from the Foreign Office, relative to an inquiry made by the Swedish-Norwegian Minister at this Court as to whether marriages solemnised by Swedish diplomatic and consular officers, in virtue of the Swedish law of 8th