SESSION II.

1906.

NEW ZEALAND.

"THE REPRINT OF STATUTES ACT, 1895"

(FOURTH *AD INTERIM* REPORT OF COMMISSIONERS UNDER).

Presented to both Houses of the General Assembly by Command of His Excellency.

REPORT.

To His Excellency the Right Honourable Lord Plunket, K.C.M.G., K.C.V.O., Governor of the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned, being the Commissioners appointed under "The Reprint of Statutes Act, 1895," have the honour to submit to Your Excellency this further *ad interim* report as to our proceedings.

We are pleased to be able to state to Your Excellency that, in spite of some delay caused by pressure of judicial business in the case of our Chairman, the end of our labours is in sight, and we hope to be able to present our final report, with the accompanying Schedule of Bills, before the commencement of the next session of Parliament.

Under our scheme the statute-book, in so far as relates to the public general Acts (with which alone we have to do), will consist of about 180 Acts, contained in about four volumes of about eight hundred pages each, and absorbing over eight hundred of the present Acts. Following the examples of the Victorian and New South Wales schemes (which adopted that of the Revised Statutes of the Imperial Parliament) we propose to omit the analysis of each Act, and substitute a complete index to each volume.

As regards the various Native Land Acts, they are so complex and involve so many difficult questions of implied repeal, and, moreover, are so far-reaching in their effect on title to land, that we do not feel justified in attempting to consolidate them. We therefore propose to print them all as an addendum, inserting in its proper place in each Act, but in italic type, each specific amendment.

Our functions are limited by statute to the general public Acts, but we venture to suggest that for uniformity of system the local and private Acts should be collected and printed in a supplementary volume. If this be done, all the existing statute-books can be dropped.

The distinction between general public Acts on the one hand and local and private Acts on the other has not always been observed, and this creates a difficulty. As an example we may mention "The Nelson College Act, 1858," which is classed in the statute-book as public general, but is amended by the Act of 1882, which is classed as local. The course we propose to adopt in these cases is to treat as local or private, as the case may be, every Act which would be local or private under the Standing Orders now in force.

To facilitate the enactment of our Bills we propose to prepare an enacting Bill with two schedules, the first containing a list of all the public general Acts we have consolidated, and the second the consolidating Bills themselves. The enacting measure will contain three clauses—one repealing the Acts specified in the First Schedule, one enacting the Bills mentioned in the Second Schedule, and one containing full saving provisions.

In terms of the statute under which our Commission is issued, we beg to draw attention to certain defects in the existing Acts, which in our opinion should be remedied by legislation.

1. "THE ADOPTION OF CHILDREN ACT, 1895."

There are two points in this Act which should be made clear:—

(*a.*) Section 7 says that when an adopting order has been made, then (with certain specified limitations as to property) "the adopted child shall for all purposes civil and criminal, and as regards all legal and equitable liabilities, rights, benefits, privileges, and consequences of the natural relation of parent and child, be deemed in law to be born in lawful wedlock of the adopting parent."

Presumably the Legislature did not intend by this to abolish the natural relation of consanguinity in cases under the law relating to marriage, and it may be that the section has not that effect. The point, however, should not be left in doubt.