

1880.
NEW ZEALAND.

REVISION OF STATUTES COMMISSION

(REPORT OF).

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

To His Excellency Sir HERCULES GEORGE ROBERT ROBINSON, G.C.M.G., Governor of the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Commissioners appointed under “The Revision of Statutes Act, 1879,” have the honor to report as follows :—

Preliminary.

1. On receiving our appointment on the 23rd day of January last, we proceeded to consider the scope and extent of the duties upon, and the fresh powers granted to, the new Commission.

2. Those duties and powers refer to three different subjects—

(a.) The consolidation, amendment, and arranging for publication of the statute law of the colony now in force.

(b.) The selection, arrangement, and publication of such portions of the statute law of England applicable to and binding in the colony as seem to us to be of general importance and interest.

(c.) The propriety of adopting, and adapting for the colony, the Bill for establishing a code of indictable offences and the procedure relating thereto, recently introduced into the Imperial Parliament.

3. It will be convenient that we should report first concerning the last-mentioned subject—namely, the consolidation of the law of indictable offences.

Criminal Law Consolidation.

4. We have examined the Bill in question, and have taken trouble to ascertain the history of its progress and the position at which it has arrived, according to the latest intelligence, and we are satisfied beyond any doubt that it would be premature to attempt at present to adopt it and go through the necessary labour for adapting its provisions to the circumstances of the colony; and that it will be most desirable—especially as there can be no urgency in the matter—to wait, not only till the measure has been finally accepted and made law by the Imperial Legislature, but till some experience of the practical working of the new provisions which it contains, and which are yet untried, has tested their value.

5. It is well known that the original author and proposer of the English codification measure is Sir James FitzJames Stephen, who had devoted his attention specially to the subject for a quarter of a century, and had produced as one of the monuments of his learning and industry “The Digest of Criminal Law,” published in 1877.

6. In 1878, after a draft Bill intituled “The Criminal Code Indictable Offences Bill, 1878,” of which Sir J. F. Stephen was the author, had been prepared, a Royal Commission was issued to three Judges—Lord Blackburn, Mr. Justice Barry, and Mr. Justice Lush (who were relieved for the time being of their ordinary official duties, with slight exceptions)—and Sir James FitzJames Stephen (since Mr. Justice Stephen).

7. The Commissioners devoted themselves for about five months *de die in diem* to a deliberate and minute criticism of the whole scheme, and made a most valuable report, to which was appended a draft code embodying the suggestions of the Commissioners. This became the subject of the Bill of 1879.

8. That Bill was introduced in the House of Commons on the 3rd of April, 1879, was read a second time on the 5th of May, but was not passed.