

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Neame v. The Ashanti Gold Coast Acquisitions Company, Limited, from the Supreme Court of the Gold Coast Colony (Concessions Division), delivered the 2nd March 1905.*

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Present :

LORD DAVEY.

LORD ROBERTSON.

SIR ARTHUR WILSON.

[*Delivered by Lord Davey.*]

Their Lordships think that this is an idle Appeal. It relates to a mere question of practice. A Concessions Enquiry was held before Mr. Justice Pennington in the Gold Coast Colony, and when the Opposers were called on to proceed with their case, their Counsel admitted that he had not got the proper evidence, and asked for an adjournment. There was no question but that they had received proper notice, and that everything had been regular and in order. The learned Judge, in the exercise of his discretion, thought it was not a case in which further time should be given, and declined—as he had a perfect right to do—to grant an adjournment.

Thereupon, there was an Appeal to the Court of Appeal. After hearing Counsel on both sides, the Court of Appeal came to the conclusion that the application was not made for the purpose of delay, and that, although there had been great negligence and the Opposers were in default, nevertheless the interests of justice demanded that they should have an opportunity of being heard. Accordingly the Court granted a short

adjournment on the terms of the Opposers, who asked for it, paying the costs which had been thrown away and the costs of the Appeal. An Appeal is now brought to this Board from that decision and is gravely argued by the learned Counsel who appear for the Appellant. It is difficult to characterize the Appeal in forensic or judicial language; but it is sufficient for their Lordships to say that, even if they had not been informed, as they have been, by Counsel on both sides, that the case has actually been fully heard and is now awaiting Judgment, their Lordships would not be disposed to entertain an Appeal of this kind, which is eminently a matter to be decided by the learned Judges on the spot. Their Lordships are, however, told that the learned Judge is only waiting to give his Judgment in order to hear what their Lordships say on this Appeal. The only thing their Lordships have to say is that the learned Judge had better give his Judgment with the utmost dispatch. In the meantime their Lordships will humbly advise His Majesty that the Appeal should be dismissed. The Appellant must pay the costs of it.

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