

“in Banco;” holds sittings and Circuit Courts for civil and criminal trials, and disposes of business as a single Judge would in England in chambers.

This system has hitherto been found the best, and will probably be continued for some time. The same reasons which have made it necessary to localize the Supreme Court make it necessary to localize the Vice-Admiralty Court; and so long as those causes exist, and the Colony is divided into Judicial Districts for the Supreme Court, with Resident Judges in such districts, it is considered that each Judge should be a Vice-Admiralty Judge.

The Chief Justice, Sir G. Arney (now absent in England), holds a commission as Vice-Admiralty Judge. The Judicial District assigned to him comprehends the Northern part of the North Island; he resides at the Town of Auckland, and holds a Circuit Court at New Plymouth. While the Chief Justice was in New Zealand he was the only person in the Colony having Vice-Admiralty jurisdiction.

Auckland is between 400 and 500 miles from Wellington, and about 900 miles from Otago, and 1100 miles from the Bluff, the most Southern port in the Colony.

The speediest and most frequent communication is by steamers, at present running about every seventh day, and occupying three to four days in the passage to Wellington, and seven days to Otago. It will at once be seen that the Colony generally, could derive no benefit from the Vice-Admiralty Court at Auckland.

The Chief Justice having temporarily left the Colony, it had to be considered whether Vice-Admiralty jurisdiction could be exercised by any other Judge of the Supreme Court, and in the Session of the General Assembly held in 1866, an Act was passed amending “The Supreme Court Act, 1858,” and providing that in the absence of the Chief Justice, the Senior Puisne Judge, should be the Chief Judicial Officer of the Colony, and should execute the duties of Chief Justice. It was considered that by such a provision the Senior Puisne Judge could, under the Chief Justice’s Commission, as Commissary, and “The Vice-Admiralty Courts Act, 1863,” exercise the jurisdiction of Admiralty Judge, during the absence of the Chief Justice, or after the expiration of his Commission from any cause whatever.

The Senior Puisne Judge, Mr. Justice Johnston, resides at Wellington, and to him has been assigned a Judicial District. During the absence, therefore, of the Chief Justice, the Vice-Admiralty jurisdiction may be exercised by a Judge sitting at a place central, certainly, and more within reach of other parts of the Colony, than when the Chief Justice was performing the duties of Vice-Admiralty Judge, at Auckland; but though Wellington is more central than Auckland, a Vice-Admiralty Court at Wellington, is of no practical value to those ports which are situate in Auckland or Otago, and perhaps Canterbury may also be included.

If Vice-Admiralty jurisdiction were given to each Judge of the Supreme Court in New Zealand by commission, and the Registrar of the Supreme Court, at each place where there is a Resident Judge, were appointed Registrar of the Admiralty Court, and the Sheriff of each district were appointed Marshal, there might then be exercised Admiralty jurisdiction at each of the principal ports. A Legislative enactment would no doubt be more convenient, amending the fourth and fifth sections of the Vice-Admiralty Courts Act, and providing that each Judge of the Supreme Court should be *ex-officio* Judge of the Admiralty Court, and making provision for the appointment of Registrar and Marshal of the Courts by the Governor or Judge. The opinion of the Judges of the Supreme Court appears to be in favor of localizing the Vice-Admiralty Court,—see the Memorandum dated 9th March, 1863, and signed by the Judges of the Supreme Court, and a copy of which is annexed, marked A. A question has been raised in New Zealand whether the Judge of the Vice-Admiralty Court has power to admit solicitors or barristers or others to practise as proctors or advocates in the Vice-Admiralty Court; it has been contended that the Vice-Admiralty Judge has no such power, and that no Colonial legislation could either give him such power, or make any other provision on the subject. At Auckland, barristers and solicitors have been allowed to practise as proctors and advocates, but Mr. Justice Johnston has extra-judicially questioned the legality of this. A copy of his opinion and observations on the question is annexed hereto, marked B. It is to be remembered that his remarks were made before the receipt in the Colony of the Commission to Sir G. Arney, or the Chief Justice for the time being as Commissary. It is not known in the Colony whether or not any rules have been made by the Queen in Council on this subject, but it is suggested that if no such rule has been made this question might be settled by an Order in Council either permitting the Judges to allow such persons, being barristers or solicitors, as they should think fit, to practise as proctors or advocates, or directly permitting barristers and solicitors so to practise.

23rd April, 1867.

JAMES PRENDERGAST.

MEMORANDA and REPORTS by their Honors the JUDGES of the SUPREME COURT.

Court of Vice-Admiralty.—No. I.

THE Judges of the Supreme Court of New Zealand, assembled in Conference, respectfully invite the attention of His Excellency’s Government to the communications between the Government and the Judges, and the Despatches received from Her Majesty’s Secretary for the Colonies, respecting the Court of Vice-Admiralty.

The Judges are of opinion that the geographical and social circumstances of this Colony would render it impossible for one Vice-Admiralty Judge to perform the duties of the office for the whole Colony, and would make a Vice-Admiralty Court held at one port only, for the whole Colony, of comparatively little value.

The intervention of Her Majesty in Council, by special order, would therefore seem to be necessary, and, moreover, it seems clear to the Judges that the Colonial Legislature cannot give solicitors and barristers the status of proctors and doctors, without the existence of which officers no steps can be taken in the Court.

The Judges cannot but expect that the necessity for a Vice-Admiralty Court will soon be felt in the Colony; and, as it seems to them probable that the necessary arrangements for the establishment