of the tribunal will occupy some considerable time, they have thought it but right thus, respectfully, to recall the attention of the Government to the subject.

GEORGE ALFRED ARNEY, C.J.
ALEXANDER J. JOHNSTON, J.
H. B. GRESSON, J.
C. W. RICHMOND, J.

Christchurch, Canterbury, 9th March, 1863.

Wellington, 16th February, 1865.

MY DEAR ATTORNEY-GENERAL,—

I have looked through my papers and mems. relating to the Vice-Admiralty Courts, which are by no means complete; but I forward you, with other papers (which I beg you will be good enough to return when you have done with them), a copy of the Report of the Judges (No. IV.) made in 1861. I consider we are still in the same predicament as we were then. The Act 26 and 27 Vic., c. 24, certainly schedules New Zealand as one of the Colonies possessing a Vice-Admiralty Court, and no doubt the Chief Justice of New Zealand is *de jure* Judge of that Court, and probably ought to hold sittings from time to time according to the rules made applicable to New Zealand by the Order in Council, 23rd November, 1860, but the difficulties about proctors and advocates still remain, and I am not aware whether the Government of the Colony ever got the advice of the Law Officers of the Crown at home, as the Judge suggested, or made any application to the Secretary of State on the subject. Moreover, the difficulty respecting local considerations, and the uselessness of holding Vice-Admiralty Courts at the place where the Chief Justice may happen to reside in respect of all the ports of New Zealand, remain unabated. Special Orders in Council, and it may be, an Imperial Act, would seem necessary in order to overcome those difficulties, and make the Court available for the public service.

I shall be very happy to go further into details with you on the subject, if you propose to take any action concerning it.

I am, &c.,
ALEXANDER J. JOHNSTON.

Sub-Enclosure 3 to Enclosure in No. 34.

MEMORANDUM respecting the Vice-Admiralty Court in New Zealand.

(67-922.)

I QUITE agree with the Attorney-General as to the advisability of some such system being established as he suggests. In a private letter which I received a short time since from the Chief Justice, he informed me that he was in communication with the Colonial Office and the Admiralty on the subject.

It seems to me that some provisions ought to be made for cases of urgency during the absence of the Judge from the place of his ordinary residence, either on circuit or for recreation during the vacation; and I think it would be well to contemplate the probability that ere long the circumstances of the Colony will permit, and the good sense of the Colony will desire that the Supreme Court be concentrated, or at all events that the Judges have frequent opportunities of sitting together in some central place.

It has struck me that some provisions might be made, with due checks, for enabling the Court and suitors to make use of communications by electric telegraph, which would at present be inadmissable in any tribunal.

I think it well to call attention to the fact that previously to the return of the present Governor to the Colony, it had been the habit of the Governor for the time being, under his commission as Vice-Admiral, to appoint each of the Judges Deputy Vice-Admiral within his own judicial district.

I held such an appointment from November, 1858, till the expiration of Governor Brown's period of office.

I found that my predecessors, or some of them, had acted as Vice-Admiralty Judges, and that barristers and solicitors had practised before them as advocates and proctors without any special admission as such as far as I could ascertain.

I expressed on several occasions the opinion which I still entertain that Colonial practitioners could not have the necessary *status* in the Vice-Admiralty Court without being duly admitted therein in the High Court of Admiralty; and I entertained doubts as to my power to admit them under my delegated authority as Deputy Vice-Admiral. But no application was ever made to me for admission by any practitioner.

I have never expressed an opinion that the Chief Justice, or Acting Chief Justice under the existing Commission, has no power to admit advocates or proctors. Should any application be made to me for admission, I might be satisfied that the practice in Tasmania, as stated in one of the accompanying papers is the correct one; and that the Chief Justice or Acting Chief Justice has power as Commissary to swear in and cause to be enrolled as advocates or proctors any barristers or solicitors who may apply for admission. It may be that the power is not confined to the admission of persons already admitted as legal practitioners. I should be glad to know the opinion of the authorities at home on this subject.

No application has yet been made to me since I have been Acting Chief Justice for admission in either capacity.

ALEXANDER J. JOHNSTON,
Acting Chief Justice

26th April, 1867.