

was represented to have been experienced from the want of some person empowered to act as Judge of the Vice-Admiralty Court in New Zealand in the absence of the Chief Justice.

This question has, as you will perceive from the correspondence, been recently brought under consideration by a representation from the Agent for New Zealand. A Bill has been introduced into Parliament, of which I enclose a copy in its present form, having for its object to extend and amend the Vice-Admiralty Courts Bill of 1863, and the fifth section of that Bill will make provision for the temporary absence of a Judge of the Vice-Admiralty Court.

I have, &c.,

BUCKINGHAM AND CHANDOS.

Governor Sir George Grey, K.C.B.

Enclosures in No. 35.

Mr. ROMAINE to the UNDER SECRETARY OF STATE FOR THE COLONIES.

SIR,—

Admiralty, 22nd May, 1866.

With reference to your letter of the 16th instant, enclosing a copy of a Despatch from the Governor of New Zealand, with a Memorandum from his Responsible Advisers, in which they request that the necessary steps may be taken for the issue of letters patent, appointing the Chief Justice of the Colony as Commissary in the Vice-Admiralty Court, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of Mr. Secretary Cardwell, a copy of a letter, dated 19th instant, from the Registrar of the High Court of Admiralty, in which he states his opinion that it is not necessary to issue letters patent to the present Chief Justice of New Zealand, in order to enable him to act as Judge of the Vice-Admiralty Court, and to appoint barristers and solicitors or advocates and proctors to practise before him.

I have, &c.,

The Under Secretary of State, Colonial Office.

W. G. ROMAINE.

Mr. ROTHERY to the SECRETARY TO THE ADMIRALTY.

SIR,—

Admiralty Registry, Doctor's Commons, 19th May, 1866.

I have to acknowledge the receipt of your letter (L) of the 17th instant, transmitting one in original from Sir Frederic Rogers, the Under Secretary of State for the Colonies, with copy of a Despatch from Sir George Grey, the Governor of New Zealand, dated the 28th February last, and of its enclosures, and you request me to report to their Lordships what answer should be made to Sir George Grey's request that letters patent may be issued appointing the Chief Justice of the Colony to be Commissary or Judge of the Vice-Admiralty Court therein established.

It would appear from the enclosures to the Governor's Despatch, that since the previous correspondence with the authorities of New Zealand respecting the enrolment of barristers and attorneys of the Supreme Court as advocates and proctors of the Vice-Admiralty Court of that Colony, the Colonial Secretary of New Zealand has been in communication with the Colonial Secretary of Tasmania, and that officer having stated that such an enrolment had been made in Tasmania by the Chief Justice of the Colony in virtue of the office of Commissary of the Vice-Admiralty Court, conferred upon him by letters patent under the Seal of the High Court of Admiralty of England, Sir George Grey, on the recommendation of his Responsible Advisers, requests that the necessary steps may be taken for the issue of similar letters patent appointing the Chief Justice of New Zealand to be Commissary of the Vice-Admiralty Court of that Colony. It is added in the Memorandum annexed to the Governor's Despatch, that it would be convenient to the public service if such letters patent provided for the temporary absence of the Chief Justice, especially as the present Chief Justice would in all probability soon have leave of absence for some time.

The object which the authorities in New Zealand would seem to have in view is the appointment of a duly qualified Judge of the Vice-Admiralty Court, who would have authority to appoint barristers and solicitors to practise before him. If this be so, it appears to me that the object they have in view has been already sufficiently provided for by "The Vice-Admiralty Courts Act, 1863" (the Act 26 Vict., c. 24), the fourth section of which declares, that in any British possession where the office of Judge of a Vice-Admiralty Court is now or shall at any time hereafter become vacant, the Chief Justice or the principal judicial officer of such possession, or the person for the time being lawfully authorized to act as such shall be an *ex officio* Judge of the Vice-Admiralty Court, until a notification is received in the possession that a formal appointment to that office has been made by the Admiralty. In other words, the Chief Justice, on a vacancy occurring, is *ex officio* the Judge of the Vice-Admiralty Court, unless their Lordships should for any reason think it expedient to appoint some other person to the office, power to do so being expressly reserved to their Lordships by the seventh section of the same Act. That the Act applies to New Zealand there can be no doubt, as it is one of the Colonies enumerated in the Schedule thereto.

I should add that Sir George Alfred Arney, who was then Chief Justice of the Colony, was on the 13th February, 1865, appointed by letters patent under the Seal of the High Court of Admiralty of England, to be Judge of the Vice-Admiralty Court of New Zealand; and if, as seems to be admitted, the office has become vacant by his death or retirement, the present Chief Justice or the principal Judicial Officer of the Colony, would, by the terms of the Act, be *ex officio* Judge of the Vice-