

during the absence of Chief Justice Sir George Arney from the Colony, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of His Grace the Duke of Buckingham and Chandos, copy of a letter dated the 11th ultimo, from the Registrar of the High Court of Admiralty on this subject.

The fifth section of the proposed Vice-Admiralty Courts Act Amendment Bill provides for the temporary absence of the Judge of a Vice-Admiralty Court, and the Lord Chancellor has undertaken to introduce this Bill into the House of Lords.

Sir F. Rogers, Bart., &c.

I have, &c.,
W. G. ROMAINE.

EXTRACT of a LETTER from Mr. H. C. ROTHERY to the SECRETARY TO THE ADMIRALTY, dated Admiralty Registry, Doctor's Commons, 11th March, 1867.

"I HAVE to acknowledge the receipt of your letter (L), of the 8th instant, transmitting one dated the 7th, from Sir Frederic Rogers, the Under Secretary of State for the Colonies, with its enclosures, calling attention to the inconvenience which is said to have arisen from the want of some person empowered to act as Judge of the new Vice-Admiralty Court of New Zealand during the absence of the Chief Justice of the Colony, and you request me to advise their Lordships as to the answer which should be sent to this communication.

"It appears from the enclosures to Sir Frederic Rogers' letter, that the Government Agent for New Zealand has recently forwarded to the Colonial Office a letter addressed to him by Mr. W. S. Grahame, a colonist from Auckland, New Zealand, in which that gentleman states, that according to his advices by the last mail the mercantile and shipping interests of the Colony are suffering most severely from the suspension of the Vice-Admiralty Court of New Zealand, it having been recently discovered that during the absence of Chief Justice Sir George Arney, who is also Judge of the Vice-Admiralty Court, no Admiralty Court can be held, as no Judge had been appointed to take Sir George Arney's place. He adds that he is interested in a claim against a ship, involving several thousand pounds, and is naturally anxious that there should be no delay in appointing a Judge, but that his correspondent informs him that the Colonial Prime Minister, having been asked what could be done to remedy the evil, had replied—'that the Government had taken the matter into consideration, and had written to the Secretary of State; but until they got instructions and authority from him, no action could be taken in the matter, and that things must remain as they are, in the face of petitions and complaints from almost every seaport in the Colony.'

"In transmitting these papers Sir Frederic Rogers suggests that, as Sir George Arney seems to have had a regular appointment as Vice-Admiralty Judge, it may have been considered that during his absence the office of Judge was not vacant, within the meaning of the fourth section of 'The Vice-Admiralty Courts Act, 1863,' which provides that on any vacancy in the office, the Chief Justice or the principal judicial officer, or the person for the time being lawfully authorized to act as such, shall be *ex officio* Judge of the Vice-Admiralty Court. Sir Frederic Rogers further observes, that if this should be the case, it would appear desirable to terminate the existing state of things, and to send out some instructions on the subject by the next New Zealand mail.

"That this is the view which the Colonial authorities have taken of the subject there can, I think, be little doubt, namely, that there has been no vacancy in the office of the Judge within the meaning of 'The Vice-Admiralty Courts Act, 1863;' that Sir George Arney, although absent from the Colony, still holds the office of Judge of the Vice-Admiralty Court, and having no power to appoint a deputy, there is no person in the Colony legally entitled to discharge the duties of that office. It may, however, be proper to observe, that the authority under which Sir George Arney acts as Judge of the Vice-Admiralty Court is conferred by letters patent issued from this Court in pursuance of their Lordships' Warrant, and that these letters patent are addressed, not to him alone, as Chief Justice of the Colony of New Zealand, but also to 'the Chief Justice of the Colony for the time being, and to the person executing the duties of that office.' If, then, the view of the Colonial authorities is correct, there would seem to be no person in the Colony authorized, during the absence of Sir George Arney, to act as Chief Justice of the Colony, or to execute the duties of that office, for if there were, that person would no doubt be entitled under Sir George Arney's patent to act as Judge of the Vice-Admiralty Court. A similar difficulty occurred recently in the Mauritius during the temporary absence of Sir C. Farquhar Shand, the Chief Justice, and the Colonial authorities met it by appointing one of the Judges to be the acting Chief Justice of the Colony, and he was thereupon entitled as such to act as Judge of the Vice-Admiralty Court. Such an arrangement, however, does not appear to have occurred to the authorities in New Zealand."

A BILL intituled "An Act to extend and amend "The Vice-Admiralty Courts Act, 1863.'"

BE enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as "The Vice-Admiralty Courts Act Amendment Act, 1867."

2. This Act shall be read as one Act with "The Vice-Admiralty Courts Act, 1863."

3. In the interpretation and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say—

"Judge" shall mean the person lawfully appointed by the Admiralty to be Judge of any Vice-Admiralty Court, or in default of any such appointment, the Chief Justice or principal judicial officer, or the person for the time being lawfully authorized to act as such in the British possession in which such court is established.