

1896.

NEW ZEALAND.

PUBLIC PETITIONS A TO L COMMITTEE

(REPORT OF, ON THE PETITION OF C. C. KETTLE, D.J., OF WANGANUI. WITH EXHIBIT).

Brought up 12th August, 1896, and ordered to be printed.

REPORT.

No. 103.—Petition of C. C. KETTLE, D.J., of Wanganui.

PETITIONER prays that the existing law may be amended in the direction of—(a) Raising the tenure of office of the District Court Judges from one “during the pleasure of the Governor” to a tenure “during ability and good behaviour”; (b) placing the salaries of the District Court Judges on the permanent Civil List; and that the said salaries may be made adequate and commensurate with the responsible and onerous duties which the District Court Judges are called upon to perform.

I am directed to report that, in 1894, the Committee considered a similar petition from District Judge Kettle, upon which it reported “That, in the opinion of the Committee, this petition should be referred to the Government for favourable consideration.”

Having again heard Judge Kettle’s statement of his case, and examined him thereupon, the Committee is strongly of the opinion that the Government should at an early opportunity take the whole matter into careful and favourable consideration.

In support of this recommendation, the Committee would draw the attention of the Government—(1) To the following quotation from a speech by the late Hon. J. Ballance (*vide Hansard*, vol. lxi., page 909–910, 1890): “If there was one constitutional principle better established than any other, it was that Judges should be appointed not ‘during pleasure,’ but during ‘good behaviour,’ and that their salaries should be fixed, and not be subject to the will of the Government or the House”, and (2) to the attached “Exhibit,” headed “Independence of the Bench of Justice.”

JOHN JOYCE, Chairman.

12th August, 1896.

EXHIBIT.

[Put in by the Petitioner.]

INDEPENDENCE OF THE BENCH OF JUSTICE.

“The most sacred thing in the Constitution we live under is the independence of the Bench of Justice.”—*New Zealand Times*, 25th May, 1892.

Resolution passed by Royal Commission (Law Procedure Commission), 1881. A.6.1. *et. seq.*: “That the judicial officers presiding over local Courts of extended jurisdiction be appointed during good behaviour, with salaries fixed by Act.”

Resolutions passed by Legislative Council on the 16th October, 1894: “1. That, in the opinion of this Council, it is essential to the impartial and fearless administration of justice that—(a) The tenure of office of District Court Judges and Stipendiary Magistrates exercising extended jurisdiction should be ‘during ability and good behaviour,’ and not, as at present, during the pleasure of the Executive; (b) the salaries of such Judges and Magistrates should be adequate, and should not be liable to be reduced during the term of office of the Judge or Magistrate receiving the same. 2. That, in the opinion of this Council, the salaries at present paid to District Court Judges and such Magistrates, and especially the former, are wholly inadequate.”—*Hansard*, 16th October, 1894, page 803.

Resolution passed by the Wellington Chamber of Commerce: That, in the opinion of this Chamber, it is essential, in the due administration of justice to all classes of the community, that all District Court Judges and Stipendiary Magistrates with extended jurisdiction should hold their appointments during good behaviour, and that a copy of this resolution be sent to the Hon. the Minister of Justice.

Resolution passed by the Canterbury Chamber of Commerce, 12th July, 1895: “1. That, in the opinion of this Chamber, it is essential, in the due administration of justice to all classes of the community, that all District Court Judges and Stipendiary Magistrates with extended jurisdiction should hold their appointments during good behaviour, with salaries fixed by statute. 2. That a copy of this resolution be forwarded to the Hon. the Minister of Justice.”

Resolution passed by the Dunedin Chamber of Commerce: “Resolved, “That, in the opinion of this Chamber, it is essential, in the due administration of justice to all classes of the community, that all District Court Judges and Stipendiary Magistrates with extended jurisdiction should hold their appointments during good behaviour, with salaries fixed by statute, and that a copy of this resolution be sent to the Hon. the Minister of Justice.”

Resolution passed by the Auckland Chamber of Commerce: “That this Chamber indorses the resolution of the Dunedin Chamber of Commerce—‘that District Court Judges and Stipendiary Magistrates should hold office during good behaviour, with salaries fixed by statute.’”

Resolution passed by the Wanganui Chamber of Commerce on the 6th August, 1894: “That,