

to secure the services hereafter of men similar to yourselves, those who fill the high and responsible office of Judge should be freed as far as possible from those anxieties as to the material welfare of themselves and their families which otherwise could not but detract in the long run from their efficiency and independence and from the character of their work.”—*The Argus*, 27th July, 1894.

IN THE LEGISLATIVE COUNCIL, VICTORIA.

The question of the independence of the Bench of Justice was discussed in the Legislative Council (Victoria) on the 19th June, 1895, when the Minister of Justice (Mr. Cuthbert), in speaking on the subject, said, “Honourable members would feel, he thought, that the Judges should be placed in a position of independence. The Act of 1884 did not, in his opinion, go far enough; and it would have been well to give the County Court Judges fixity of salary as well as fixity of tenure. The Judges waited upon him in March last and represented this, and he promised to do all he could to get a Bill introduced for the purpose stated.”

IN THE HOUSE OF REPRESENTATIVES, NEW ZEALAND.

Mr. George Hutchison, M.H.R., moved, on 28th August, 1895, “(1). That, in the opinion of this House, it is essential to the well-being of the colony that all classes of the community should have implicit confidence in the impartial and fearless administration of justice in the Courts of the colony. (2.) That, apart from the personal character of the Judges, it is essential, in order to inspire the community with that confidence, that the Judges should be independent and absolutely free from any possible Executive or political influence. (3.) That the tenure of office of District Court Judges and Magistrates with extended jurisdiction should be during ability and good behaviour, and not, as at present, during the pleasure of the Executive. (4.) That the salaries of such Judges and Magistrates should be adequate, and fixed by Act of Parliament.”

Mr. Willis asked the Minister of Justice, on 12th July, 1895, Whether the Government intend to give effect to the opinions which have been expressed—(1) by local bodies in various parts of the colony; (2) by Chambers of Commerce; (3) by Grand Juries; (4) by the Legislative Council; (5) by the Petitions Committee of the House; (6) by Judges and other legal authorities; and (7) by the Press throughout the colony—affirming the necessity of placing the Bench of Justice in a position of absolute independence, both as regards tenure of office and remuneration? He wished to point out to the Minister the very great interest that has been taken by all sorts and conditions of people relative to the desirability of the Judges and District Court Judges being placed in a position independent of the Ministry. He hoped the Minister would give a favourable reply to the question, because he was quite satisfied it was one that was considered of great interest throughout the country, and in asking it he was only the mouthpiece of a very large majority of the people of the colony.

Mr. Reeves (Minister of Justice) said he could not give a favourable answer. Personally he agreed with the honourable gentleman, but the Government did not; and he must say, although he agreed with the honourable gentleman, he did not think, so far as he knew, that any particular wrong or inconvenience had resulted from the present state of affairs, though in theory he thought the honourable gentleman was quite right.—*Hansard*, 12th July, 1895, p. 504.

DISTRICT COURTS JURISDICTION EXTENSION BILL.

Mr. Reeves (Minister of Justice), in moving the second reading of this Bill, said, “The really important section was section 3, which gave jurisdiction to the District Courts in claims or demands not exceeding £500, and also in cases of partnership-account disputes in which the amount in dispute did not exceed £500. It was with the object of enabling an action in which a moderate sum was involved to be brought in a District Court, and it saved the trouble and expense of an action being brought in the Supreme Court. The work of the Supreme Court Judges had grown, and by common consent it was admitted that the Judges were now the hardest-worked men in the colony, and, unless they faced the question of appointing another Judge, it was desirable to provide that as much work should be transacted as possible by the inferior Courts.”—*Hansard*, 4th September, 1893.

EXTRACT FROM “THE SUPREME COURT ACT, 1882.”

Sec. 9. It shall be lawful for Her Majesty, upon the address of both Houses of the General Assembly, to remove any Judge of the Supreme Court from his office, and to revoke his commission, and for the Governor in Council to suspend any such Judge upon a like address.

Sec. 10. It shall be lawful for the Governor in Council, at any time when the General Assembly shall not be in session, to suspend any Judge from his office, and such suspension, unless previously removed, shall continue in force until the end of the then next session of the General Assembly and no longer.

EXTRACT FROM THE MAGISTRATE’S COURT BILL (introduced by the Hon. Sir P. A. Buckley, Attorney-General, Session 1893).

Sec. 15. . . . All Magistrates appointed to exercise the extended jurisdiction of the Court shall hold their appointments during good behaviour, and shall be paid like salaries at a uniform rate.*

* This clause was approved by the Statutes Revision Committee, and passed through Committee in both Houses, but at the last moment it was recommitted, and the clause altered as follows: “All the Magistrates appointed to exercise the extended jurisdiction of the Court shall hold office at the pleasure of the Government.” (See *Hansard*, Vol. 82 (1893), p. 908.)