

Place of sitting.

7. With regard to the place or places at which the sittings of the Court should be held hereafter, we do not feel that it comes within the scope of our present report to offer any single specific recommendation. The determination of this matter may in some measure depend on questions of policy upon which it would be improper for us to enter.

We shall, therefore, merely indicate some of the different arrangements which might be adopted, premising that it seems to us essential to the due operation of the tribunal, that ample notice of the place as well as of the time of its sittings, should be given throughout the whole Colony.

8. Whether this question ought to be determined by considerations relating to geographical position, and the means of inter-communication among the several Provinces of the Colony, or by speculation as to the localities from which the greatest amount of the business of the Court may be expected to emanate, or by both, it is not easy to decide. We suppose, however, that the existing means for inter-communication among the Provinces, or similar means, are likely to continue, while it seems impossible for us even to conjecture at present from which of the Provinces the greatest part of the business of the Court of Appeal is likely, even after the lapse of a few years, to proceed.

9. Any of the following courses is open for adoption:—

The Sittings might be held—

(1.) At one fixed place, being either the Seat of Government, or the chief town of a central Province,—say Auckland, Wellington, or Nelson;

(2.) Alternately, at the chief town of a Province in the North and the Middle Islands,—say Auckland or Wellington for the former, and Nelson or Christchurch for the latter;

(3.) Time about, in the Provinces where the Judges usually reside, in fixed order,—say Auckland, Wellington, and Christchurch; or

(4.) At such place as the Governor should, by Proclamation, appoint specially for each Sitting; or

(5.) The Judges might meet first at one place, and then go on to others, in case there should be notice of any business at such other places,—say that they should meet at Auckland, and proceed to Wellington, Christchurch, Nelson, &c., in case notice of any business should have been given.

10. By the fourth of these courses, the Chief Town of that Province might be appointed for each Sitting in which the greatest part of the business for the decision of the Court should have arisen; which would, no doubt, be the least costly and the most convenient course for the majority of the suitors. But the practical inconveniences and difficulties which would arise in ascertaining the amount of business to be dealt with, and giving notice to the Judges and the suitors throughout the whole Colony of the place of sitting, and the consideration that, between the time when notice of pending business could be sent to the Governor for the purpose of his selecting the place of sitting and the time for holding the Court, a large amount of fresh business might accrue, with other obvious incidents tending to create uncertainty and delay, induce us to believe that this plan would be found quite impracticable.

Probable amount of business.

11. It will be for the Legislature to deliberate and decide on this important question; and we would only further remark with respect to it, that, in forming an opinion as to the probable amount of business—since we suggest, as will presently be seen, that the tribunal should not be a mere Court of Error, but should combine with the functions of a Court of Error and Appeal, some of the functions of the Supreme Court, concurrently with that Court—a very considerable amount of business would probably be brought into it ere long, if all reasonable facilities were afforded to suitors for carrying their cases thither.

Officers.

12. With respect to the necessary officers of the Court, it seems probable that the existing officers of the Supreme Court at the place or places determined upon for the Sittings, would be able, for some time to come, to undertake in the Appeal Court duties similar to their present ones; for which they ought, of course, to receive due remuneration.

Meetings of Court at first.

12a. We feel disposed to suggest that, your Excellency should be empowered to determine, by Proclamation, the time and place when and where the Court of Appeal shall be held; and, assuming that one sitting in the year might be sufficient at first, we think that Nelson, as a central place to which the present means of communication converge, would be the most convenient for the present.

We think it would be very desirable to give the Judges power to make an interchange of circuits before or after each sitting of the Court of Appeal, so as to procure for the Colony, to some extent, the advantages experienced in England from not restricting the Judges to particular districts. At a later period, and with increased facilities of communication, the system of changing the Judges on circuits might be carried out more fully.

JURISDICTION GENERALLY.

Court of Error and Appeal, and jurisdiction concurrently with Supreme Court.

13. We come now to consider the jurisdiction which ought to be granted to the Court; and we are of opinion, in the first place, as above indicated, that the new tribunal ought not to be a mere Court of Error and Appeal in the ordinary sense, but that it might, with great advantage