

1880.

## NEW ZEALAND.

# CONSTITUTION, PRACTICE, AND PROCEDURE OF THE SUPREME COURT AND OTHER COURTS

(COMMISSION OF INQUIRY INTO THE.)

*Presented to both Houses of the General Assembly by Command of His Excellency.*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen,  
Defender of the Faith:

To our trusty and loving subjects, James Prendergast, Esquire, the Chief Justice of the Supreme Court of our Colony of New Zealand; Alexander James Johnston, Esquire, Christopher William Richmond, Esquire, Thomas Bannatyne Gillies, Esquire, and Joshua Strange Williams, Esquire, all being Judges of the said Court; Frederick Whitaker, Esquire, Attorney-General of our said colony; Walter Scott Reid, Esquire, Solicitor-General of our said colony; Charles Dudley Robert Ward, Esquire, and John Edwin Macdonald, Esquire, Judges of District Courts in our said Colony; Robert Clapham Barstow, Esquire, a Resident Magistrate in our said colony; William Gisborne, Esquire, Charles Christopher Bowen, Esquire, and John Sharp, Esquire, Justices of the Peace in and for our said colony; and to Edward Tennyson Conolly, Robert Stout, John Nathaniel Wilson, George Harper, Allan Holmes, and Albert Edward Tyrell Devore, Esquires, all being Barristers and Solicitors of the said Supreme Court,

## GREETING:

WHEREAS the Governor of our said colony, with the advice and consent of the Executive Council thereof, has deemed it expedient that a Commission should be issued for the purpose of inquiring into the constitution, practice, and procedure of the Supreme Court and other Courts of the colony hereinafter mentioned, and of ascertaining by what means the administration of justice therein may be rendered more speedy and efficacious, and generally for the purposes hereinafter set forth:

Now therefore know ye that We, reposing great trust and confidence in your zeal, integrity, knowledge, and ability, do by these presents constitute and appoint you, the said James Prendergast, Alexander James Johnston, Christopher William Richmond, Thomas Bannatyne Gillies, Joshua Strange Williams, Frederick Whitaker, Walter Scott Reid, Charles Dudley Robert Ward, John Edwin Macdonald, Robert Clapham Barstow, William Gisborne, Charles Christopher Bowen, John Sharp, Edward Tennyson Conolly, Robert Stout, John Nathaniel Wilson, George Harper, Allan Holmes, and Albert Edward Tyrell Devore, to be our Commissioners for the purpose of inquiring into the constitution, practice, and procedure of the several Courts of judicature in our said colony, that is to say,—

- (1.) The Supreme Court, including the Court of Appeal;
- (2.) The District Courts;
- (3.) Resident Magistrates' Courts;
- (4.) Courts of Petty Sessions of the Peace;
- (5.) Courts held before Justices of the Peace:

And further to inquire whether any and what changes might with advantage be made in the constitution, practice, or procedure of the said Courts, or any of them, with the object of rendering the practice and procedure of such Courts, or such of them as may be thought convenient, auxiliary to one another, or for any other object or purpose; and also to inquire whether the jurisdiction of any of the said Courts (other than the Supreme Court) might be increased, restricted, or limited in any and what respect, and whether any of such jurisdictions might be abolished, and other provision made in that behalf.

And for the better enabling you to carry these presents into effect, We do authorize and empower you to make and conduct any inquiry under these presents at such place or places in the colony as you may deem expedient; and to call before you such persons or person as you may judge necessary, by whom you may be better informed of the matters herein submitted for your consideration; and also to call for and examine all such records, accounts, books, documents, and papers as you shall judge likely to afford you the fullest information on the subject of this our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And our further will and pleasure is that you do report to Us, under your hands and seals (with as little delay as may be consistent with a due discharge of the duties hereby imposed upon you), your opinion on the several matters herein submitted for your consideration, with power to certify to Us from time to time your several proceedings in respect of any of the matters aforesaid, if it may seem expedient for you so to do.

And We do further declare that this our Commission shall continue in full force and virtue, and that you, our said Commissioners, shall and may, from time to time, proceed with the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We also appoint you, the said James Prendergast, to be Chairman of our said Commission, and to convene meetings thereof by writing under your hand at such time and place as may be judged convenient; and, in case of your absence or inability to act as such Chairman on any occasion, or at any place, then that the Commissioners present at any meeting, and capable of acting, may elect a Chairman for that occasion, and so from time to time as may be necessary:

And also that any three of you, the said Commissioners (inclusive of the Chairman), shall be a quorum, and that all or any of the powers and authorities hereby vested in you, the said Commissioners, may be exercised by any such quorum sitting and acting together.

And lastly, for your assistance in the premises, we do hereby appoint Martin Chapman, Esquire, a Barrister of the Supreme Court of New Zealand, to be Secretary to this our Commission, and to hold office during our will and pleasure.

In testimony whereof we have caused these our letters to be made patent, and the seal of our said colony to be hereunto affixed.

Witness the hand of our Trusty and Well-beloved Sir Hercules George Robert Robinson, Knight Grand Cross of our Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over our Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the seal of our said colony, at Wellington, this seventh day of July, in the year of our Lord, one thousand eight hundred and eighty, and in the forty-fourth year of our reign.

HERCULES ROBINSON.

Approved in Council.

FORSTER GORING,

Clerk of the Executive Council.

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By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1880.