

MEMORANDUM OF THE JUDGES OF THE SUPREME COURT ASSEMBLED IN CONFERENCE AT AUCKLAND, TO HIS EXCELLENCY THE GOVERNOR, RESPECTING THE SUPREME COURT ESTABLISHMENT.

We the Judges of the Supreme Court, assembled in conference, observing from the Journals of the House of Representatives that a resolution was passed on the 25th day of October, 1860, by that House, to the effect that the administration of Justice may be effectually provided for without the establishment of District Courts as at present constituted, and that the machinery of the Supreme Court (with such additional Judges as may be considered necessary), and of other tribunals therein named are capable of efficiently disposing of the judicial business of the Colony, beg respectfully to make the following remarks—suggested by our experience, respecting the carrying out of the resolution in question.

We are of opinion that the present Judges of the Supreme Court will probably be found sufficient in number for the present requirements of the Colony, certain rules of practice being adopted, which would permit many interlocutory applications of a merely formal character to be made and decided, or at least dealt with by conditional orders, by the Registrar of the Court, in the absence of a Judge; and further facilities being given for settling issues in provinces where there is no resident Judge. Moreover, statutory powers, with proper checks, might be given to Resident Magistrates or Registrars to enable them to issue *interim* injunctions in cases of irreparable damage.

We think that the present Judges, notwithstanding the great increase of labour imposed upon them by the Land Registry Act of 1860 and other recent Acts of the Legislature, and the probable addition of the functions of a Court of Appeal and of jurisdiction in Bankruptcy or Insolvency, would be able to deal with all those grave portions of the District Court business which alone could with propriety be brought into the Supreme Court, however numerous its Judges might be, and which would be unfit to be disposed of by Resident Magistrates or Justices of the Peace.

We would further respectfully submit to your Excellency that an addition to the number of Judges would scarcely be justifiable at present of the effect—besides the tendency to identify them with local interests, parties, and feelings, which is so undesirable—were likely to prevent the Colony from being able to make those improvements in the position of the present Judges and the efficiency of the present establishment of the Court which seem urgently called for; as the Judges are not at present so adequately remunerated for their services as to enable them to maintain their position in society without experiencing pecuniary cares and anxiety detrimental to their efficiency, and as the buildings, offices, and other appliances of the department are in a condition, and on a scale unworthy of the Colony.

We feel justified in calling your Excellency's attention to the fact that the fees now paid by Suitors in the Supreme Court are generally on a low scale and might very properly be increased in number and, in some instances, in amount.

Our attention having been called to this subject by the Registrars of our respective districts, we propose at an early period to alter and extend the existing scale by virtue of the powers conferred upon us by law.

We believe that with the great increase of business which may be expected to be generated by recent and proposed legislation, and the establishment of a fair and moderate scale of fees for all proceedings in his Court and its offices, the aggregate amount received will soon go far towards defraying the expenses of the establishment.

GEORGE ALFRED ARNEY, C. J.,
ALEXANDER J. JOHNSTON,
HENRY B. GRESSON.

Auckland, May, 1861.