

sec. 24). This would remove the temptation to solicitors to multiply steps in procedure for the sake of costs. Solicitors should also be empowered to contract with suitors, who would thus be better able to judge the risk incurred. It is believed by several leading men in the profession that this would lead to satisfactory results.

Referring to the point of a motion for a new trial not being tried before a single Judge, I may observe that the new Judicature Act requires all such motions to be heard before a division of the Court. Some arrangement seems to be desirable to enable at least two of the Judges to sit together for the despatch of important business.

From what is before mentioned, you will notice that the cost, delay, and complications of the present system are rather leading the public to give up the use of the Court than to complain formally to the Government on the subject.

Of the existence of a wide-spread feeling, especially in the large mercantile centres, that something should be done in the way of amendment, there is no doubt whatever. There is reason to believe that their Honors the Judges themselves are fully aware of the necessity for some improvement; and I am assured that although they are, from position and the habit of being guided by precedent, naturally and properly cautious and conservative, they will not hesitate, after due consideration, to recommend such changes as will increase the respect in which they are held, and prove beneficial in the administration of justice.

I have, &c.,

JOHN BATHGATE,  
(for the Colonial Secretary).

His Honor Mr. Justice Johnston, Wellington.

ABSTRACT of RETURNS of CIVIL CASES before JURIES heard in the SUPREME COURT of NEW ZEALAND during Year ended 30th June, 1873.

|              |     |     |     |     | Number of Cases. | Motions for New Trial. |
|--------------|-----|-----|-----|-----|------------------|------------------------|
| Auckland     | ... | ... | ... | ... | 17               | 6                      |
| Dunedin      | ... | ... | ... | ... | 16               | 3                      |
| Christchurch | ... | ... | ... | ... | 7                | 2                      |
| Wanganui     | ... | ... | ... | ... | 2                | ...                    |
| Napier...    | ... | ... | ... | ... | 1                | ...                    |
| Marlborough  | ... | ... | ... | ... | 1                | ...                    |
| Invercargill | ... | ... | ... | ... | 1                | ...                    |
| Taranaki     | ... | ... | ... | ... | Nil.             | ...                    |
| Wellington   | ... | ... | ... | ... | Nil.             | ...                    |
| Nelson       | ... | ... | ... | ... | Nil.             | ...                    |
| Westland     | ... | ... | ... | ... | Nil.             | ...                    |

No. 6.

His Honor Mr. Justice JOHNSTON to the Hon. the COLONIAL SECRETARY.

(No. 1.)

SIR,—

Judge's Chambers, Wellington, 7th January, 1874.

I have the honor to acknowledge the receipt of the letter of the 29th of December from the Hon. J. Bathgate, *pro* Colonial Secretary, in answer to my letter of the 23rd December.

I am much obliged for the information it contained, upon which it is unnecessary that I should offer any comments at present.

I have, &c.,

ALEXANDER J. JOHNSTON.

The Hon. the Colonial Secretary.

No. 7.

His Honor the CHIEF JUSTICE to the Hon. the PREMIER.

(No. 39B.)

SIR,—

Wellington, 8th June, 1874.

Referring to my letter to yourself of the 1st December, 1873 (No. 61), and to the memorandum of Mr. Justice Johnston, forwarded, after conference thereon with the Judges of the Supreme Court, to the Government, touching certain desired improvements in the practice and procedure of the Supreme Court, I have the honor to inform you that the subject has again been considered in conference by the Judges, during the recent sitting of the Court of Appeal. Meanwhile, His Honor Mr. Justice Johnston has been at the labour of preparing, and has laid before the Judges, various documents, including,—

- (1.) Draft of a Bill for consolidating the existing Statutes relating to the constitution, jurisdiction, and practice of the Supreme Court, with amendments; together with certain additions to the Rules of Practice and Procedure of that Court, derived principally from those fundamental rules of law and equity that are embodied in the English Supreme Court of Judicature Act, and from the still limited scheme of procedure comprised in the Schedule to that Act.
- (2.) A rough draft to serve as a basis for a more comprehensive enactment, founded both upon the New Zealand Statutes affecting the Supreme Court and Court of Appeal, and upon the English Supreme Court of Judicature Act,—the Bill to be supplemented by one uniform code of procedure, and the whole to be substantially in accordance with the system established by the English Act.

The Judges are unanimous in their opinion that the latter course of legislation should be adopted. But in order safely to legislate in that direction, it is necessary first to be provided with the complete