HOUSE OF REPRESENTATIVES.

REPORT OF THE SELECT COMMITTEE

TO CONSIDER THE

RULES PROPOSED FOR REGULATING THE

PROCEDURE OF THE SUPREME COURT

IN CIVIL CASES:

AND ALSO THE

PROPOSED LAW AMENDMENT BILL.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES.

Votes, No. 14, Friday, May 9, 1856.

11. Supreme Court:—The Colonial Treasurer, pursuant to notice, moved, That a Select Committee be appointed to consider the Message of his Excellency the Governor (No. 12), with the Judges' reports and other documents accompanying the same; the Committee to consist of Mr. Merriman, Mr. Fox, Mr. Ward, Mr. Brittin, Mr. Domett, and Mr. Richmond; report to be brought up this day fortnight.

Question put and passed.

Votes, No. 24, FRIDAY, MAY 23, 1856.

9. Supreme Court Law Procedure Bill:—Mr. Ward, Chairman of the Committee to which this Bill had been referred, brought up the Report of the Committee, which was read, and ordered to be printed.

REPORT.

THE SELECT COMMITTEE of the House of Representatives, appointed May 9, 1856, "to consider the Rules proposed for Regulating the Procedure of the Supreme Court in Civil Cases, and also the proposed Law Amendment Bill," report as follows:—

Your Committee are unanimously of opinion that the above Rules effectually supply a want which has long been deeply felt by every legal practitioner in New Zealand,—namely, that of a complete code of civil procedure in the Supreme Court.

Your Committee recommend an amendment in the second clause of the Bill for establishing these Rules, inasmuch as that clause purports to revoke, not only the former Rules of Practice in civil proceedings, for which a substitute is now provided, but also the Rules of Practice in criminal cases, for which no provision is made in the proposed code.

The clause, amended as proposed by your Committee, is appended to this Report; and incidentally to this alteration, your Committee recommend the omission from the Schedule of Rule No. 573.

A suggestion for the alteration of the existing Rules for the admission of Barristers and Solicitors has been submitted to your Committee; but they are of opinion that it would be advisable to carry into effect the proposed alteration by a separate Act.

In conclusion, your Committee confidently recommend to the House the adoption of the Rules submitted to them; and in so doing they feel bound to express their opinion that the Colony is under deep obligation to Chief Justice Martin, and to his learned coadjutors in the construction of this code, Mr. Justice Chapman, and the present acting Chief Justice Stephen. Great learning and experience have been employed in a conscientious effort to free the subject of law procedure from all but its inherent difficulties. Throughout the whole of the proposed Rules there is apparent a constant endeavour, by reverting to the first principles of jurisprudence, to reduce legal procedure to the utmost possible simplicity, consistent with legical accuracy, and to render justice speedy, cheap, and certain. Your Committee are of opinion that this Colony has reason to congratulate itself that the comparative leisure hitherto enjoyed by the Judges of the Supreme Court has been devoted by them to that work of framing and amending the Forensic Institutions of the country, which appears to your Committee to be one of the most important functions of the highest judicial offices in every infant colony.

As regards the Law Amendment Bill, your Committee are of opinion that its provisions will prove decidedly beneficial to the Colony, and recommend that it should forthwith receive the sanction of the House.

C. D. R. WARD, Chairman.

Committee Room, House of Representatives, May 22, 1856.

AMENDED CLAUSE REFERRED TO IN THE FOREGOING REPORT.

Provided always, that neither this Act, nor any of the said General Rules, shall operate to repeal or revoke the Rules touching the administration of the estates and effects of persons deceased (2nd May, 1844), nor the Rules touching official administration (17th December, 1845), nor the Rules touching the fees payable to the Sheriff and Sheriff's officer in civil proceedings.