

Mr. De Lautour.

Judicial Commission.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Governor empowered to issue a Commission.
3. Governor to appoint quorum and nominate Chairman.</p> | <p>4. Duty of Commissioners.
5. Powers to summon witnesses.
6. Governor to fill vacancies.
7. Termination of Commission.</p> |
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A BILL INTITULED

AN ACT to enable the Governor to appoint a Commission for certain purposes. Title.

WHEREAS it is expedient to make such inquiries as may enable Parliament to define the powers of the Judges of the Courts of New Zealand in respect of contempts of such Courts, and the relations of the said Judges to the Parliament of this colony: And whereas doubts have arisen as to the practice and procedure of the Courts in the exercise of such powers: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be "The Judicial Commission Act, 1878." Short Title.

2. The Governor is hereby empowered to issue a Commission under the Public Seal of the Colony, directed to any one or more persons; and to cause the person or persons named in such Commission to be summoned to attend at such time and place or times and places as he shall think fit. Governor empowered to issue a Commission.

3. The Governor, if he shall see fit to appoint more than one person to be a Commissioner under this Act, shall declare how many persons so appointed shall be a quorum, and shall nominate any one of such persons to be the Chairman of such Commission; and in the event of the death, refusal, or inability to act, of the person so nominated as Chairman, the remaining Commissioners may from time to time appoint one of their number to be Chairman. Governor to appoint quorum and nominate Chairman.

Duty of Commissioners.

4. It shall be the duty of the Commissioner or Commissioners, and he or they are required so to do, to examine and report to the Governor from time to time upon the following subjects of inquiry:—

- (1.) As to the powers possessed by the Judges of imprisoning or otherwise punishing any person for alleged contempt of Court; 5
- (2.) As to the relative positions occupied by the Parliament of this colony and the Judges thereof, and as to what control, if any, the Governor or Parliament can exercise in the case of the misbehaviour of any Judge or Judges; 10
- (3.) As to the power, authority, or precedent under which George Elliott Barton, barrister-at-law, in the month of February, one thousand eight hundred and seventy-eight, was imprisoned by the direction of the Chief Justice and Mr. Justice Richmond, for one month in Wellington Gaol, 15 and as to the procedure followed in the exercise of such power in such imprisonment;
- (4.) As to the practice and procedure of the Supreme Court in regard to fees imposed upon suitors, and in regard to the right of audience and of freedom of speech in the said Court; and 20
- (5.) Generally to report the opinions of the Commission upon the aforesaid subjects of inquiry.

Powers to summon witnesses.

5. The Commissioner or Commissioners may summon witnesses, take evidence on oath or otherwise, and call for and require to be produced before them all such papers, records, and other documents as he or they shall think necessary for the purposes of the inquiry. 25

Governor to fill vacancies.

6. In the event of the death, refusal, or inability to act of any Commissioner or Commissioners, the Governor may nominate to be a member of such Commission any person or persons as to him shall seem fit, in substitution of the person or persons who shall so die, refuse, or be unable to act. 30

Termination of Commission.

7. No Commission issued under this Act shall continue in force after the last day of the next ensuing session of Parliament.