

(Hon. Mr. Seddon.)

SUPREME COURT ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Supreme Court Act, 1882."

Title.

BE IT 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 is "The Supreme Court Act Amendment Act, 1894." Short Title.

PART I.

JUDGES.

10 2. The Judges of the Supreme Court, whenever, after the commencement of this Act, they shall in pursuance of the powers vested in them by "The Supreme Court Act, 1882," appoint any sittings of the Court for the despatch of civil and criminal business, or make rules for any district under the said Act respecting the places and
15 times for holding sittings of the Court, shall nominate the Judge before whom each such sitting shall be held, and in manner so that each Judge shall be appointed in rotation to preside at the sittings of the Court at a place other than that where he last presided, and that
20 Court at any particular place until he shall in rotation have presided at the sittings of the Court in every other place in the colony where such sittings are held.

Judges to take circuits in rotation.

3. At every civil or criminal trial before any jury in the
No. 138—1.

Judge's charge to jury in civil and criminal cases.

Supreme Court, the Judge presiding shall, in his charge to the jury, carefully explain to them all points of law affecting the case under trial; and on request of either party to the case, or of any juror, shall present the facts of the case to them, as appearing from the evidence, without comment; he shall then direct them that, whilst bound to accept the law as laid down by him, they are the exclusive judges of all questions of fact. 5

If, after retiring to consider their verdict, the jury desire any information as to the evidence given in the case, or on any point of law, the Judge shall give such information without comment. 10

In civil actions tried before a jury, costs to be in their discretion.

4. In every civil case tried before any jury in the Supreme Court, the costs to be allowed in the case shall be absolutely in the discretion of the jury, who may refuse to allow costs in the case to either party, or, if they allow costs, they shall assess the amount of the same, and shall say to whom and by whom such costs shall be paid, anything contained in any Act, or rule of procedure, or regulation to the contrary notwithstanding. 15

In civil cases heard before a Judge, costs to be in his discretion.

5. In every civil case heard before a Judge of the Supreme Court without a jury, the costs to be allowed in the case shall be absolutely in the discretion of the Court, which shall fix the amount of the same, and shall order to whom and by whom such costs shall be paid. 20

Repeal.

6. The rules of procedure in the Second Schedule of "The Supreme Court Act, 1882," respectively numbered two hundred and sixty-three and from five hundred and twenty to five hundred and forty, both inclusive, are hereby repealed in so far as such rules or any of them are in conflict with the provisions of this Act. 25

PART II.

REGISTRARS.

7. The Governor from time to time may, by Proclamation gazetted, declare that— 30

- (a.) In any district not having a Judge of the Supreme Court resident within such district, or
- (b.) In any portion of a district, to be specified in the Proclamation, not having a Judge of the Supreme Court resident within such portion, or 35
- (c.) At any place in a district where a Judge of the Supreme Court usually resides,—

any Registrar of the said Court for such district respectively or any part thereof may act for any Judge of such district, or in the case of his absence from the said place, with such powers, jurisdiction, and authority as shall be specially declared or limited in and by such Proclamation. 40

And the Governor may at any time alter or revoke any such Proclamation, either wholly or in part, as to any Registrar, or as to the limits of the district wherein he shall exercise the functions conferred by this Act. 45

Every Registrar may sit at Chambers.

8. Subject to the provisions of the *preceding section* and to any special limitation of jurisdiction imposed thereunder, a Registrar of the Supreme Court may sit at Chambers, and while so sitting shall have the same powers, jurisdiction, and authority as a Judge of the 50

Supreme Court sitting at Chambers now has; and any order made by any such Registrar shall be equivalent to, and shall have the same force and effect, as if the same had been made by a Judge of the said Supreme Court sitting at Chambers :

5 Provided that such Registrar shall not have power to make any order required by law to be made in open Court: Provided, also, that such Registrar may if he think proper refer any question, matter, summons, or other proceeding brought before him under this Act in the first instance to a Judge of the Supreme Court, and the proceedings
10 shall thereupon be transmitted to the Supreme Court in such manner as such Registrar may direct.

9. If any person shall be dissatisfied with any order, decision, judgment, or direction made or given by any such Registrar under the powers conferred upon him by or under this Act, such person may
15 appeal to a Judge in Chambers, and such Judge may either discharge, vary, or affirm any such order, decision, judgment, or direction.

Appeal from decision of a Registrar.

10. While any such appeal is pending, no proceeding shall, if the Registrar so directs, be taken upon the said order, decision, judgment, or direction, nor shall any person obtaining the same be entitled to
20 enforce the same. And if a Registrar directs proceedings to be stayed, he may impose such terms as to him shall seem proper.

No proceeding on order while appeal pending, if Registrar so directs.

11. "The Supreme Court Practice and Procedure Acts Amendment Act, 1893," is hereby repealed.

Repeal.

But this repeal shall not affect any order or direction heretofore
25 made or given, nor any proceeding pending thereunder respectively; and the Registrars of the Supreme Court for the Districts of Nelson and Westland respectively, and the Registrars of the Supreme Court located at New Plymouth and Napier respectively, shall continue to exercise their functions within the districts appointed for them
30 under the enactments thereby repealed respectively, or either of them, as if they had been appointed to exercise such functions by Proclamation of the Governor under this Act; subject always to the foregoing power of the Governor under this Act from time to time to revoke, limit, or alter the jurisdiction of any or every such
35 Registrar.

Saving of powers heretofore granted to Registrars.