

Supreme Court Judges.

proceeding and when commenced, the date of the signing or entering up of the judgment or of passing the decree or of making the rule or order and the amount recovered or the decree pronounced or rule or order made, and if there was a trial, the date of such trial and amount of verdict given.

3. It shall be lawful for the Supreme Court of New Zealand, or any Judge thereof, upon the application of the person in whose favour such judgment decree rule or order was obtained, or his attorney, to grant a rule or issue a summons calling upon the person against whom such judgment decree rule or order was obtained, to show cause, within such time after personal or such other service of the rule or summons as such Judge or Court shall direct, why execution should not issue upon such judgment decree rule or order, and such rule or summons shall give notice that in default of appearance execution may issue accordingly, and if the person served with such rule or summons does not appear, or does not show sufficient cause against such rule or summons, it shall be lawful for the said Court or Judge, on due proof of such service as aforesaid, to make the rule absolute or to make an order for issuing execution as upon a judgment decree rule or order of the Supreme Court of New Zealand, subject to such terms and conditions, if any, as to such Court or Judge may seem fit, and thereupon and subject thereto the person entitled to such execution shall have and be entitled to all such process and to all such rights and remedies for the enforcement thereof, and the person against whom such execution is so authorized shall in like manner be entitled to all such protective rights and advantages as they would respectively have been entitled to had such judgment decree rule or order of the Supreme Court of any of the said Colonies been obtained in the Supreme Court of New Zealand, and all such proceedings may be had or taken for the revival of such judgment decree rule or order, or the enforcement thereof by and against persons not parties to such judgment decree rule or order, as may be had for the like purposes upon any judgment decree rule or order of the Supreme Court of this Colony.

Mode of obtaining execution.

4. The Short Title of this Act shall be "*The Australasian Creditors Act, 1858.*" Short Title.

No. XXII.

AN ACT to regulate the Appointment and Tenure of
Office of the Judges of the Supreme Court.

SUPREME COURT
JUDGES.

[3rd July, 1858.]

WHEREAS by an Act of the Governor and Legislative Council of New Zealand, Session III., No. 1, intituled "*An Act for Establishing a Supreme Court,*" it is enacted by the tenth section thereof as follows:—"The Court shall consist of one Judge, who shall be called the Chief Justice of New Zealand, and of such other Judges as Her Majesty shall from time to time be pleased to appoint: Provided that it shall be lawful for His Excellency the Governor to appoint such Judges provisionally until Her Majesty's pleasure shall be known. The Judges of the Court shall hold their offices during Her Majesty's pleasure." And whereas it is expedient to repeal the said section and to make other provisions in lieu thereof:

Preamble.

BE

Supreme Court Judges.

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

Section 10 of Ordinance No. 1 of Session III. repealed.

Governor to appoint Judges of Supreme Court in the name of Her Majesty.

Judges to hold office during good behaviour.

Governor may remove Judges from office on address of both Houses of General Assembly.

Power to Governor to suspend.

Judges' salaries secured.

Governor may appoint Judge for temporary purpose during pleasure.

Superannuation allowances.

To be paid out of general revenue.

Short Title.

1. The said section number ten of the said Ordinance is hereby repealed.

2. The Supreme Court of New Zealand shall consist of one Judge, to be appointed in the name and on behalf of Her Majesty, who shall be called the Chief Justice, and of such other Judges as His Excellency in the name and on behalf of Her Majesty shall from time to time appoint.

3. The Commission of the present Chief Justice and of every Chief Justice and other Judge of the said Court to be hereafter appointed (except as hereinafter provided) shall be and continue in full force during their good behaviour, notwithstanding the demise of Her Majesty, any law usage or practice to the contrary notwithstanding.

4. Provided always that it shall be lawful for the Governor of New Zealand at his discretion, in the name and on behalf of Her Majesty, upon the address of both Houses of the General Assembly, to remove any such Judge from his office and to revoke his Patent or Commission.

5. Provided also that it shall be lawful for the Governor in Council, at any time when the General Assembly shall not be in Session, to suspend any Judge from his office, and such suspension unless previously revoked shall continue in force until the end of the next Session of the General Assembly and no longer.

6. A salary equal at least in amount to that which at the time of the appointment of any Judge shall be then payable by law shall be paid to such Judge so long as his Patent or Commission shall continue and remain in force.

7. It shall also be lawful for the Governor in Council, in the name and on behalf of Her Majesty, at any time during the illness or absence of any Judge so appointed as aforesaid, or for any other temporary purpose, to appoint a Judge or Judges of the Supreme Court, to hold office during His Excellency's pleasure, and every such Judge shall be paid such salary, not exceeding the amount payable by law to a Puisne Judge of the said Court, as the Governor in Council shall think fit to direct.

8. Every Judge of the Supreme Court, holding office during good behaviour, who shall resign his office after having attained the age of sixty years, shall, after the passing of this Act, be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of resignation, after the following rate, viz.:—

After ten years' service to an annual allowance of three-twelfths of such salary.

After fifteen years' service to an annual allowance of four-twelfths of such salary.

After twenty years' service to an annual allowance of five-twelfths of such salary.

After twenty-five years' service to an annual allowance of six-twelfths of such salary.

After thirty years' service to an annual allowance of seven-twelfths of such salary.

After thirty-five years' service to an annual allowance of eight-twelfths of such salary.

9. Such superannuation allowances shall be paid quarterly out of the general revenue of the Colony during the natural lives of the several persons respectively entitled thereto.

10. The Short Title of this Act shall be "*The Supreme Court Judges Act, 1858.*"