

## No. 7.

The Hon. E. MITCHELSON to W. B. EDWARDS, Esq.

SIR,—

Native Office, Wellington, 6th March, 1890.

I have the honour to inform you that His Excellency the Governor in Council has been pleased to appoint you and Mr. John Ormsby, of Kopua, Waikato, to be Commissioners under section 20 of "The Native Land Court Acts Amendment Act, 1889," and enclose herewith the Order in Council of appointment.

I have communicated with Mr. Ormsby on the subject, and have forwarded him a copy of the appointment.

W. B. Edwards, Esq., Barrister, Wellington.

I have, &amp;c.,

E. MITCHELSON.

ONSLOW, Governor.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this twenty-seventh day of February, one thousand eight hundred and ninety.

Present: The Honourable the PREMIER presiding in Council.

WHEREAS by section twenty of "The Native Land Court Acts Amendment Act, 1889," it is, among other things, enacted that it shall be lawful for the Governor, by Order in Council, to appoint two or more persons, of whom at least one shall be a Native, to be Commissioners for the purposes there-after mentioned:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in exercise and pursuance of the power conferred upon him by the hereinbefore in part recited Act, and by and with the advice and consent of the Executive Council of the said colony, doth hereby appoint

WORLEY BASSETT EDWARDS, Esquire, of Wellington, Barrister, and

JOHN ORMSBY, of Kopua, Waikato (being a Native within the meaning of the said Act),

to be the Commissioners for the purposes mentioned in the said Act.

ALEX. WILLIS,  
Clerk of the Executive Council.

NOTE.—His Honour the Chief Justice entertained doubts as to the Governor's power to appoint more than four Puisne Judges of the Supreme Court, except during pleasure, and, in consequence, Mr. Edwards informed the Government that, in deference to the Chief Justice's doubts, he (Mr. Edwards) would perform no judicial act as a Supreme Court Judge until after the meeting of the next session of Parliament. Subsequently, after a consultation with the Attorney-General, the Chief Justice, finding that Judges of the Supreme Court had on several occasions been appointed before vacancies had actually taken place, or a salary provided, felt it no longer necessary to press his doubts to the extent of standing in the way of Mr. Edwards acting as a Puisne Judge of the Supreme Court.

## No. 8.

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

DEAR SIR HARRY,—

Wellington, 10th March, 1890.

Is there any necessity for Mr. Edwards being sworn at present? As I understand, the arrangement you have made is that he is not to be occupied with judicial work till next circuits. If this is so, they either do not fall, or may be made not to fall, till July, by which time you may have obtained the sanction of the Legislature to the arrangement. I have not spoken with Mr. Edwards.

Yours, &amp;c.,

JAMES PRENDERGAST.

## No. 9.

The Hon. H. A. ATKINSON to the SOLICITOR-GENERAL.

*Memorandum for the Solicitor-General.*

Mr. W. B. EDWARDS has been appointed a Commissioner under "The Native Land Court Acts Amendment Act, 1889." The salary and allowances are those of a Puisne Judge of the Supreme Court. He has also been appointed a Puisne Judge of the Supreme Court, the object being to give his Court more dignity and independence, and that he may assist in the ordinary circuit work of the Supreme Court, the due performance of which in the Wellington District takes up so much of the time of the resident Judges that other legal work has often to stand over an undue time; and also especially to assist in this way during the absence on leave of Mr. Justice Richmond. These two appointments have been duly made under the hand of his Excellency, and gazetted.

The Chief Justice has been directed by the Governor, under the Promissory Oaths Act, to administer the judicial oath to Mr. Edwards. On Saturday, upon receipt of this direction from the Governor, the Chief Justice called upon me and informed me that in his opinion the appointment of Mr. Edwards as a Puisne Judge of the Supreme Court was illegal, and that he was afraid that he could not see his way to administer the judicial oath to Mr. Edwards, as by so doing he would compromise himself in an illegal appointment. The Chief Justice holds (as I understand him) that "The Supreme Court Act, 1882," must be read and interpreted with "The Civil List Act, 1873," and that, as this Act only provides the salaries for one Chief Justice and four Puisne Judges, there is no power to appoint more than that number, notwithstanding "The Supreme Court Act, 1882."