

immediately thereafter I saw you and told you that I could not consent to any such arrangement, and that it was not my understanding of the arrangement which had been made between Sir Harry Atkinson and myself. That arrangement to which I referred in my interview with you was, in brief, that if any vacancy occurred in the existing number of Judges before the work of the Commission was finished, I should not, without the concurrence of the Ministry, claim to throw up the work of the Commission and to fill that vacancy. There never was any arrangement, agreement, or understanding of any kind whatever that I would not sit in the Court of Appeal; and with this, at the interview to which I have referred, you completely agreed. I then stated that I intended to sit in the Court of Appeal, and that to abstain from doing so would, in my opinion, impair my status and my usefulness to the public service.

I see no reason whatever to alter my opinion upon this point; indeed, in view of the very gross abuse and slander which I have had to endure daily, without being able in any way to vindicate myself, I see the very strongest additional reason for declining to consent to any course which would amount to an admission that my status is inferior to that of any other Judge upon the bench.

With regard to the Supreme Court duties, also, the arrangement, so far as there is any arrangement, is by no means what is inferred in your letter of yesterday's date. It is stated in Sir Harry Atkinson's letter to me of the 1st March last that it was intended that I should render occasional assistance in the Supreme Court work during the absence on leave of His Honour Mr. Justice Richmond; and since then His Honour the Chief Justice has pointed out to the Premier that it is impossible that the work of the Supreme Court could be got through unless assistance were forthcoming, and he has been told that I was to render that assistance. Since that I have rendered the requisite assistance, without, of course, any interference with the Commission, as there has been no work for the Commission to do.

If I correctly understand your letter, the position the Ministry take is this: That, now that applications have been lodged with the Commissioners, I must at once drop the Supreme Court work, and proceed with the inquiries before the Commission. It is a matter of indifference to me whether I am doing one duty or the other; in fact, so far as my personal preference goes I would rather at present be employed out of Wellington. I would very much have preferred to be so employed during the late sitting of Parliament; but my personal preferences have nothing to do with the matter; and, so far as I understand the present arrangements, they are that I shall render such assistance in the work of the Supreme Court as shall enable it to be carried on during the absence of His Honour Mr. Justice Richmond.

I have not been able to speak to His Honour the Chief Justice upon the matter, as he is now absent from Wellington, but I am very sure that is his understanding of the present arrangements for carrying on the business of the Supreme Court.

In pursuance of these arrangements it will be necessary for me to take the Nelson and Blenheim Circuit sittings of the Supreme Court in November next, which are held at the same time that the Circuit sittings are going on here. If the Ministry wish that instead of taking these sittings I should devote the short time which they will occupy—probably not more than a fortnight—to the Commission it will, so far as I can at present see, be a matter of indifference to me. But in that case it would be necessary to make other arrangements for Blenheim and Nelson, and this can only be done by appointing a temporary Judge of the Supreme Court—the course which in Sir Harry Atkinson's letter to me of the 1st March it was stated that the Government is averse to taking, and which it was deemed would be rendered unnecessary by my appointment.

A consideration of these facts and of the letter to which I have referred must, I think, satisfy you that the statement in your official letter of yesterday's date "that it was understood by the Government that your appointment as a Judge of the Supreme Court was for the purpose of giving you proper status as Commissioner, and that such appointment was to be subsidiary to that of a Commissioner, and that the work of the Commission Court was not to be in any way subject to or superseded by Supreme Court duties," is inaccurate, and that it was perfectly well understood from the beginning that during the absence of his Honour Mr. Justice Richmond I should render the necessary assistance in the circuit work of the Supreme Court. Whatever may be thought upon this point, however, I certainly do object to the adoption of a tone in official correspondence with me which would not be adopted to any other Judge. It will not be found that I am anxious to shirk my duties, or to devote unnecessary time to the Supreme Court which ought properly to be given to the more important, if less dignified, labours of the Commission. Indeed, as you have already been made aware by my official letter of this date, I proposed, in order to push on the work, to sacrifice the whole of my vacation to it, and to endeavour to make arrangements to give further time to it, which would enable all the applications in hand to be disposed of at a very early date.

The law requires, as you are aware, that thirty days' notice shall be gazetted before any application can be dealt with by the Commissioners. In practice we have found that this period is insufficient to enable the Natives interested to be served, and there ought to be at least two months' notice given in each case. If this is done, I shall have finished my work in the Court of Appeal and at Nelson and Blenheim in time to take up the work of the Commission; and then I propose, as already indicated, to give two, and almost certainly three, months to the Commission.

In my opinion this time ought to be ample to dispose of the applications already lodged; and, as the time has been extended, I do not believe that it is at all probable that many, if any, further applications will be lodged before the 20th March, to which date the time for receiving applications has been extended.

If this proves to be the case it will be found that my work in the Supreme Court will clash little, if at all, with the work of the Commission, as the applications lodged towards the end of