

In reply, I have to state that the Government declines to recommend His Excellency as requested, as it is not prepared to recognise Mr. Edwards as a Judge of the Supreme Court, legally and constitutionally appointed to the position.

His Honour the Chief Justice, Wellington.

I have, &c.,

J. BALLANCE, Premier.

[Warrant returned herewith.]

No. 47.

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

SIR,—

Judge's Chambers, Wellington, 20th February, 1891.

I have the honour to acknowledge the receipt of your letter of the number and date in the margin (18th February, 1890), with the enclosure.

As I am in doubt whether or not you may be acting on a supposition that the Vice-Admiralty Act of 1867 authorises the appointment of only Puisne Judges as Deputy Judges, I have thought it better to mention that that is not so. It is true that Lord Knutsford, in his despatch of the 20th September, 1890, paragraph 6, writes as if this were so; but there is no such limitation in the Act of 1867, or elsewhere, that I am aware of.

I have, &c.,

The Hon. the Premier, Wellington.

JAMES PRENDERGAST, Chief Justice.

No. 48.

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

SIR,—

Premier's Office, Wellington, 21st February, 1891.

I have the honour to acknowledge the receipt of your letter of the 20th instant, stating that you are in doubt whether or not I may be acting on a supposition that the Vice-Admiralty Act of 1867 authorises the appointment of only Puisne Judges as Deputy Judges, and that you had thought it better to mention that that is not so.

In reply, I beg to inform you that when I addressed you on the 18th in reference to Mr. Edwards's appointment as a Deputy Judge of the Vice-Admiralty Court, I was not acting on such a supposition.

His Honour the Chief Justice, Wellington.

J. BALLANCE, Premier.

No. 49.

MEMORANDUM from the Hon. P. A. BUCKLEY to the Hon. the PREMIER.

I HAVE perused the correspondence sent to me from the Justice Department, as well as that bearing upon this subject forwarded from the Native Office, and am inclined to think that, through some oversight, the papers do not contain the whole of the correspondence in reference to the position of the above-named gentleman.

I find a letter dated the 1st March, 1890,* addressed by the late Premier to W. B. Edwards, Esquire, Wellington, in which he informs that gentleman that His Excellency the Governor had been pleased to appoint him to the office of Commissioner under "The Native Land Court Acts Amendment Act, 1889," and stating, among other things, that it had appeared to the Government, and such appeared to be the general feeling, that for an office of such importance, involving such large interests, the Commissioner should have the status of a Judge of the Supreme Court, and therefore he would be appointed to that office also. He also informed Mr. Edwards that the Government were adverse to the appointment of a temporary Judge if it could be avoided. I cannot gather from the correspondence any reason for this, inasmuch as the Supreme Court Act of 1882, to which I will subsequently refer, makes special provision for the temporary appointment of Judges, under which Act I understand Mr. Edwards claims to be legally appointed a Judge of the Supreme Court. This letter seems to me to be the result of some previous conversation or correspondence which I do not find attached to the papers, and am therefore unable to say what previous negotiations may have taken place in regard to this appointment. It is of very little consequence, however, so far as the question submitted to me is concerned. At any rate, I am satisfied that during the discussion of the Native Land Act above referred to, the Legislature never had it in contemplation that the Commissioner such as the Act provided for should have the status of a Judge of the Supreme Court, or it would have expressly provided for such an appointment. That, however, is also a matter beside the present question.

On the 5th March Mr. Edwards, in a letter† addressed to the Premier, accepted the appointment in the terms of the said letter. You will remember that the Legislative Council ordered the production of correspondence and papers relating to the appointment of Mr. Edwards as Commissioner under the Native Land Court Act and as Judge of the Supreme Court on the 26th June, 1890. That correspondence was printed and circulated, and I find a memorandum in the handwriting, I believe, of the late Attorney-General, but with no signature or date, with a side-note in the following words: "To be added at the end of letter.—F. W." The memorandum is as follows: "Memo. The Chief Justice entertains 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.

* See No. 3, page 2.

† See No. 4, page 2.