

I would like to call your attention to the case of Sir Robert Collier, reported in the parliamentary *Hansard* debates, House of Lords, Vol. ccix., which, although not in point, has some bearing upon a question of such importance as the present. The correspondence on the subject of his appointment to the Judicial Committee of the Privy Council between Lord Cockburn and Mr. Gladstone will be found published *in extenso* in the *Times* of the 5th December, 1871. The tenor of the debate in the House of Lords shows how keenly was resented even an irregularity in making an appointment of so high a judicial character. The debate and correspondence are worthy of perusal, as showing the great importance which the noble Lords who took part in the consideration of the subject attached to the question.

21st February, 1891.

P. A. BUCKLEY, Attorney-General.

No. 50.

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

The Hon. the Premier.

AFTER the receipt of his Honour the Chief Justice's letter of the 17th February, with reference to the appointment of Mr. Edwards as Deputy-Judge of the Vice-Admiralty Court, I had an interview with the Chief Justice as to the position generally.

Among other things, his Honour informed me that several telegraphic communications between the other Judges and himself, bearing on the question of Mr. Edwards's appointment, were forwarded by him to the Government about March last. I find no trace of these with the papers submitted to me. I think inquiry should be made as to these telegrams. They have an important bearing on this question. You will observe that in my memorandum to you of the 21st February, I refer to the fact that, in my opinion, the papers did not contain the whole of the correspondence. This is borne out by the Chief Justice's remark, as I have stated.

24th February, 1891.

P. A. BUCKLEY.

No. 51.

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

SIR,—

Premier's Office, Wellington, 23rd February, 1891.

I noticed in your letter of 17th inst. you stated that "Mr. Edwards is to take the Napier sittings of the Supreme Court early in March," and in view of that contingency I would respectfully direct your attention to the following:—

That in a note attached to the papers relating to the appointment of Mr. Edwards, presented to Parliament by the late Government in return to an order of the House of Representatives, it is stated that "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."

That when Parliament met last year a Bill was introduced to "amend 'The Supreme Court Act, 1882,' and to provide for the payment of an additional Judge," which was intended to validate Mr. Edwards's appointment; but it was not even read, and the House, although asked to do so, did not request the Crown to make provision for the salary.

That an item was subsequently placed on the supplementary estimates for "Salary of Commissioner and Judge Edwards," but that by message from the Governor the word "Judge" was struck out.

That, Parliament not having validated the appointment of Mr. Edwards, and refusing to make any provision for him as a Judge, the Government do not think Mr. Edwards should exercise any judicial functions until Parliament has made provision for his salary and had the opportunity of reviewing his position, and I may add that it is not the intention of the Government to propose to Parliament to make any provision for Mr. Edwards as a Judge of the Supreme Court.

The Government, therefore, respectfully submits these facts to enable you to take such steps as you may think proper, to avoid any consequences that might ensue from the exercise by Mr. Edwards of judicial functions under the circumstances.

His Honour the Chief Justice.

I have, &c.,
J. BALLANCE.

No. 52.

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

SIR,—

Judge's Chambers, Wellington, 24th February, 1891.

I have the honour to acknowledge the receipt of your letter of the number and date in the margin (23rd February, 1891), and, in reference to the concluding part of that letter, to state that, having communicated it to Mr. Justice Edwards, and he having informed me that he is not at present