

It is therefore advised that Her Majesty's Secretary of State for the Colonies be requested to take the same steps for the appointment of Puisne Judge as have been adopted with reference to the recent appointment of a Chief Justice, and to ensure the early arrival of such Judge in the Colony, where his presence is much required.

His Excellency's Ministers have further to state, that it is proposed that the resolutions adopted by both Houses of the General Assembly in its last session, as to the Tenure of Office, and Salaries of the Judges of the Supreme Court, be carried into effect by a measure to be introduced in the ensuing session of the General Assembly; by which One Thousand Pounds per annum will be assigned as the salary of the Puisne Judge now requested to be appointed.

(Signed) E. W. STAFFORD.

Downing Street, 19th December, 1856.

SIR,—

I have to acknowledge your despatch, No. 76, of the 26th July last, enclosing a Resolution of the House of Representatives on the subject of the Tenure of Office, Number, Manner of Appointment, and Amount of Salaries of the Judges of New Zealand.

2. Her Majesty's Government fully concur in the views expressed in the four first Resolutions of the House.

The Tenure of Office proposed is the same with that already established by the Constitutional Act passed in New South Wales and confirmed by the 18 and 19 Vict. C. 54. The Number and Salary of the Judges are matters for the decision of the local Legislature, and the liberality evinced by the present Resolutions is likely to secure for the Colony the services of able men. But it appears to me that all these objects would be better obtained by local enactment than by any other method.

You are authorised beforehand to assent to any Bill for carrying into effect these Resolutions: and if it is thought that any such measure requires to be reserved for the assent of Her Majesty, on account of its interference with the present Civil List (under sec. 65 of the Constitution Act,) I shall be ready to advise Her Majesty to give such assent.

3. The fifth Resolution appears to me open to some objection. It is the practice of this Department as regards Colonies under Responsible Government, to be guided, as far as possible, by the wishes of the Provincial Responsible advisers of the Crown in the selection of Judges as well as other officers: and if those advisers think fit to take the opinion of any Judge in this Country as to whom they shall recommend, they will, as I believe, adopt a course highly advantageous for the Province, and in which Her Majesty's Government will be happy to co-operate. But to establish by law the principle, that Her Majesty must act in this matter on the recommendation of some one Judge selected by the Colonial Government (if this is the meaning of the Resolution) seems to me hardly a Constitutional proceeding. Her Majesty's right of appointment to offices is exercised according to the principle of the British system of Government, under the recommendation of advisers responsible either to Parliament as in England, or to the local Legislatures in Colonies under the form of Government established in New Zealand. But a designated Judge, established to direct the Crown in making appointments, would be an officer responsible neither to Parliament at home nor to the Legislature in the Colony: and I fear that this might not merely prove an objection of principle, but might also lead to practical inconvenience.

I have, &c.,

(Signed) H. LABOUCHERE.

Governor Colonel T. Gore Browne,
&c., &c., &c.
New Zealand.

Downing Street, 18th August, 1857.

SIR,—

I enclose for your information Copy of a letter which I have received from Chief Justice Martin tendering his resignation of his Office, which although with much regret, Her Majesty's Government felt themselves bound to accept, and have signified that acceptance in a letter of which copy is also annexed.

In considering the question of appointing a successor, I had regard to the Resolution of the Houses of Assembly of the 24th of July, 1856, expressing their opinion in what manner the Judges of the Supreme Court should be selected. I had felt it necessary to point out to you, by my Despatch of the 19th of December last, No. 96, that it was impossible for Her Majesty's Government to accede unreservedly to the terms of a Resolution which if literally taken would have had the effect of placing the disposal of very important Offices in the hands of an irresponsible adviser of the Crown. But at the same time I fully recognised the substantial justice of the wish of the Assembly, that the judgment of the Secretary of State on such a subject should be assisted by that of a personage so qualified to advise, and whose selection was so certain to be attended with respect, as one of the Judges of the Superior Courts at Westminster.

I collected likewise from your correspondence that the delay which would be occasioned by a reference back to the Colony on the occasion of Mr. Martin's resignation, might be prejudicial to the interests of justice.

I accordingly consulted Mr. Justice Coleridge as to the selection of a gentleman calculated to supply the place of Mr. Martin. Mr. Justice Coleridge recommended Mr. George Alfred Arney, of