

APPOINTMENT OF JUDGES.

5 A—No. 7

No. 3.

COPY OF A DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE TO GOVERNOR SIR
GEORGE GREY, K.C.B.

Downing Street,
16th March, 1862.

NEW ZEALAND.

No. 22.

SIR,—

I have received your Despatch No. 27, of the 25th November, requesting that I would advise Her Majesty to appoint Mr. Gresson to be a Puisne Judge in the Supreme Court of the Colony.

I do not accurately understand Mr. Gresson's position. The Attorney-General states that he was appointed under the Supreme Court Judges Act, 1858. On the other hand I see it stated in the Chief Justice's speech enclosed in Colonel Gore Browne's Despatch No. 113, of the 24th August, 1861, that he was appointed on December 11th, 1857, seven months before that Act was passed.

Be this as it may however, it appears to me since the passing of the Act of 1858, the Judges, or at any rate the Puisne Judges, are no longer to be appointed by Her Majesty, but by yourself, "in the name and on the behalf of Her Majesty."

If any authority is required for making such an appointment beyond an Act of the local Legislature, it appears to have been conveyed to you by the terms of your Commission, which expressly empowers you to constitute and appoint Judges.

I am therefore unable to advise Her Majesty herself to appoint Mr. Gresson: but I am to convey to you Her Majesty's authority to appoint him yourself, to be a Puisne Judge of the Supreme Court, if he is not already appointed, and Her approval of that appointment if it is already made. I am bound, however, to add, lest I should seem to throw doubts on appointments made in other of Her Majesty's Colonies, that I see no reason for supposing that this authority or approval is in any degree necessary in order to enable you to clothe Mr. Gresson with the powers of a duly constituted Judge.

I have, &c.,

Governor Sir George Grey, K.C.B.

NEWCASTLE.