

PAPERS RELATIVE TO THE LUNDON AND WHITAKER CLAIMS.

No. 1.

The Hon. W. GISBORNE to His Honor Mr. Justice JOHNSTON.

Colonial Secretary's Office (Judicial Branch),
Wellington, 14th November, 1871.

SIR,—

I have to forward to your Honor herewith a copy of an Act passed in the present session of the General Assembly.

The Government is desirous that your Honor should be appointed to be the Commissioner under this Act, and I shall be obliged by your informing me of your willingness to accept the appointment.

The time and mode of holding the inquiry is, as your Honor will find by the Act, left entirely under the direction of the Commissioner.

His Honor Mr. Justice Johnston, Wellington.

I have, &c.,
W. GISBORNE.

No. 2.

His Honor Mr. Justice JOHNSTON to the Hon. W. GISBORNE.

SIR,—

Judge's Chambers, Wellington, 15th November, 1871.

I have the honor to acknowledge the receipt of your letter of the 14th instant, in which you inform me of the wish of the Government that I should be appointed Commissioner under the Act forwarded therewith.

In answer, I have the honor to say that I shall be prepared to accept the appointment, and to hold the inquiry at the earliest time at which the business of the Supreme Court will permit.

The Hon. the Colonial Secretary (Judicial Branch).

I have, &c.,
ALEXANDER J. JOHNSTON.

No. 3.

The Hon. W. GISBORNE to His Honor Mr. Justice JOHNSTON.

Colonial Secretary's Office (Judicial Branch),
Wellington, 2nd December, 1871.

SIR,—

Adverting to your Honor's letter of the 15th ultimo, I have the honor to enclose draft of Letters Patent, appointing you to be Commissioner under "The Lundon and Whitaker Claims Act, 1871," for your perusal and approval.

His Honor Mr. Justice Johnston, Wellington.

I have, &c.,
W. GISBORNE.

No. 4.

His Honor Mr. Justice JOHNSTON to the Hon. W. GISBORNE.

SIR,—

Napier, 8th December, 1871.

I have the honor to acknowledge the receipt of your letter of the 2nd December, with which you enclose a draft of Letters Patent, appointing me to be Commissioner under "The Lundon and Whitaker Claims Act, 1871," for my perusal and approval.

I have perused the draft, and I believe its terms would probably be sufficient for carrying out the purposes of the Legislature.

The only questions which have occurred to my mind are, first, whether, as the Commission recites the provisions of section 3 of the Act, it might not be as well that it should also recite the provision of the 5th section, or might not omit the recital of section 3; and second, whether the word "*award*" in the 7th section must not mean "*award of compensation*," after a decision by the Commissioner on the preliminary question of "*right*," and if so, whether it might not be better that he should be directed to forward to His Excellency a written certificate of his decision (in case he should find that the claimants had no rights at law or in equity) or of his award (*i.e.*, of compensation in case he should decide that they had such a right).