

14. Your petitioner heard nothing further of a formal character upon the matter for a very considerable period. Your petitioner saw the Hon. the Native Minister once or twice, and had some conversation with him upon one or two points connected with the subject, particularly with reference to the case of *Poaka v. Ward*, which was then under appeal to the Court of Appeal; but the Hon. the Native Minister said nothing to commit the Ministry in any way, either to adopt the course suggested or to confer any appointment upon your petitioner, if they saw fit to adopt his suggestion.

15. At some considerable time after these interviews with the Hon. the Native Minister it came to your petitioner's knowledge that the Ministry had determined to appoint an additional Judge, and to assign the work of the Commission to him; and it also came to your petitioner's knowledge that the offices so to be created had been offered to another member of the Bar, who was your petitioner's informant, and who, after considering the matter, had declined, for reasons personal to himself, to accept them.

16. After this a considerable time elapsed before your petitioner heard anything more about the matter. At some time towards the end of February your petitioner received a message from the Hon. the Premier requesting your petitioner to call upon him at his office; and, upon your petitioner doing so, the Hon. the Premier offered to your petitioner the office of a Commissioner under "The Native Land Court Acts Amendment Act, 1889," and of a Judge of the Supreme Court of New Zealand, and your petitioner accepted the same offices.

17. On or about the 1st day of March, 1890, your petitioner received from the Hon. the Premier a letter in the words and figures following:—

"SIR,—

"Wellington, 1st March, 1890.

"In reference to the conversation I had with you on the subject of the appointment of a Commissioner under section 20 of 'The Native Land Court Acts Amendment Act, 1889,' I have now the honour to inform you that His Excellency the Governor has been pleased to approve of your appointment to that office. It has appeared to the Government, and such appears 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 you will be appointed to that office also.

"As you are aware, the demands on the time of the present Judges of the Supreme Court cause inconvenient but unavoidable delay in the despatch of business, and the leave of absence granted to Mr. Justice Richmond will aggravate the evil unless some provision is now made to meet it. The Government is averse to the appointment of a temporary Judge if it can be avoided, and they hope that the arrangement by which you will afford occasional assistance in the Supreme Court work will temporarily meet the requirements.

"Your salary will be £1,500 per annum, the same as the present Puisne Judges.

"Your commissions to the above offices will be at once forwarded to you.

"I have, &c.,

"W. B. Edwards, Esq., Wellington."

"H. A. ATKINSON.

18. On the 5th day of March, 1890, your petitioner wrote and sent to the Hon. the Premier a letter in the words and figures following:—

"SIR,—

"Wellington, 5th March, 1890.

"I have the honour to acknowledge the receipt of your letter of the 1st March, and to say that I accept the appointment therein named upon the terms therein mentioned.

"I have, &c.,

"The Hon. the Premier, Wellington."

"W. B. EDWARDS.

19. On the 27th day of February, 1890, your petitioner was by an Order in Council appointed a Commissioner under "The Native Land Court Acts Amendment Act, 1889," and on the 2nd day of March, 1890, His Excellency the Governor, by and with the advice of his Responsible Advisers for the time being, caused to be issued under the seal of the Colony of New Zealand a commission in due form of law whereby your petitioner was created a Puisne Judge of the Supreme Court of New Zealand.

20. The said Order in Council and commission were forwarded to your petitioner on the 6th day of March, 1890.

21. Prior to the acceptance by your petitioner of the said offices, your petitioner had been informed that his Honour the Chief Justice had been consulted by the Hon. the Premier as to the appointment of your petitioner as a Judge of the Supreme Court of New Zealand, and had approved of the same, and your petitioner believed that his Honour the Chief Justice had been fully informed as to the whole of the details in connection with your petitioner's said appointment.

22. Your petitioner was at the time of the said appointments destitute of any political influence; and your petitioner accepted the same under the circumstances hereinbefore set out, and in good faith, believing that the same were made in the public interest by His Excellency the Governor, by the advice of the Responsible Advisers of the Crown, and with the approval of his Honour the Chief Justice, and believing also that the power of His Excellency the Governor to make the said appointments was clear and unquestionable.

23. In consequence of your petitioner's acceptance of the said appointments at such short notice, your petitioner was compelled to dispose of his practice immediately for what he could get, and he received from the sale thereof the sum of £500, and no more.

24. Shortly after the said Order in Council and commission were forwarded to your petitioner your petitioner was informed by the Hon. the Premier that his Honour the Chief Justice expressed doubts as to the validity of your petitioner's appointment as a Judge of the Supreme Court of New Zealand, whereat your petitioner was greatly surprised.

25. Your petitioner was subsequently informed by the Hon. the Premier that some interviews and correspondence had taken place between the Hon. the Premier and his Honour the Chief