

CORRESPONDENCE RELATIVE TO THE APPOINTMENT OF THE ATTORNEY-GENERAL.

No. 1.

The Hon. the COLONIAL SECRETARY to the Hon. JAMES PRENDERGAST.

MY DEAR MR. PRENDERGAST,—

Wellington, 22nd December, 1866.

I have received your letter* of the 14th instant, relative to the office of Attorney-General.

In reply to your queries, the Government is of opinion that the Attorney-General should conduct all prosecutions on behalf of the Crown or State at the Seat of Government; and also, when required by the Government prosecutions of an important character at other places, receiving in both cases the ordinary fees for so doing, on the scale at present paid to the respective Crown Prosecutors.

In the event of any vacancy occurring in the Bench of the Supreme Court during his tenure of office, the offer of filling it, if he should wish to do so, should, in the opinion of the Government, be made to the Attorney-General. But it must be clearly understood with respect to this question, that the present Ministry cannot undertake to bind their successors, who may possibly entertain a different opinion on this subject. As it is most important that no further delay should take place in appointing an Attorney-General, both as respects the preparation of Bills for the ensuing Session and on other grounds, I would be obliged if you would let me have your decision as to accepting the office as soon as possible.

Faithfully yours,
E. W. STAFFORD.

The Hon. James Prendergast.

No. 2.

MEMORANDUM by the Hon. JAMES PRENDERGAST.

As I have been invited to make a memorandum on Mr. Stafford's letter, I do so. Some points in the letter of Mr. Stafford to myself relating to the office of Attorney-General are capable of being misunderstood. Crown Prosecutors conduct ordinary prosecutions at the scale of fees specified in the *Gazette*; but in extraordinary prosecutions, and in all matters as to which the scale of fees specified in the *Gazette* does not apply, they are paid the ordinary fees chargeable by the profession, subject to taxation. I presume that it is intended that in the ordinary prosecutions at Wellington, the Attorney-General would be paid according to the scale in the *Gazette*; but in extraordinary prosecutions, and in matters as to which the scale in the *Gazette* does not apply, he would receive payment in the same manner as Crown Prosecutor at present, namely, not according to any scale, but the ordinary fees received in the profession, subject to taxation.

The letter does not notice other matters which may become the subjects of litigation. I presume if the Attorney-General acts either as Solicitor or Counsel for the Crown in any litigated matters—as for instance, in informations for intrusion on Crown Lands, proceedings in *seire facias*, informations against trustees in Charity matters—he would be entitled to ordinary costs or fees.

I venture also to suggest that though the present Ministry cannot bind their successors, yet in creating a new office, or in appointing to an office, they may give such an assurance and expression of opinion as would be respected by their successors. Perhaps Mr. Stafford's letter might be worded a little differently on this point.

J. PRENDERGAST.

No. 3.

The Hon. the COLONIAL SECRETARY to JAMES PRENDERGAST, Esq.

Colonial Secretary's Office,

Wellington, 25th March, 1867.

SIR,—

I have the honor to enclose a Commission under "The Attorney-General's Act, 1866," issued by the Governor, in the name and on behalf of Her Majesty, under the Seal of the Colony, appointing you to be Her Majesty's Attorney-General for New Zealand.

The salary provided by the Act for your present office is one thousand pounds (£1,000) per annum; but in consideration of the very onerous and responsible duties devolving on you, and of the sacrifice which you have made in accepting a permanent office at the Seat of Government, the Government will authorize you to draw at the rate of twelve hundred pounds (£1,200) per annum, the additional sum being provided out of the Civil List.

In any ordinary prosecutions which you may have to conduct at Wellington on behalf of the Government, you will be entitled to the ordinary fees according to the scale published in the *New Zealand Gazette* of 3rd March, 1864, No. 8; but in extraordinary prosecutions, and in matters to which the scale does not apply, you would receive the ordinary fees received in the profession, subject to taxation.

In the event of any vacancy occurring in the office of Judge of the Supreme Court in the Colony, while you hold the office of Attorney-General, you will be entitled to have the appointment to such vacant office offered to you.

I have, &c.,

James Prendergast, Esq., Attorney-General.

E. W. STAFFORD.