

Honour the Chief Justice had agreed to administer the oaths to your petitioner upon the understanding that your petitioner would not perform any judicial act as a Supreme Court Judge until after the meeting of the next session of Parliament, your petitioner assented to that arrangement.

26. Subsequently, on the 14th day of March, 1890, your petitioner took the oaths of office as a Judge of the Supreme Court of New Zealand before his Honour the Chief Justice, and then for the first time saw him in relation to the matter.

27. Pursuant to the arrangement so come to between the Hon. the Premier and his Honour the Chief Justice, your petitioner did not perform any judicial act as a Judge of the Supreme Court of New Zealand until he was requested so to do by his Honour the Chief Justice in pursuance of an arrangement made between his Honour the Chief Justice and the Responsible Advisers of the Crown.

28. This arrangement was come to between his Honour the Chief Justice and the Government during your petitioner's absence from Wellington, and was communicated to your petitioner by his Honour the Chief Justice by telegraph to Napier on the 14th day of June, 1890.

The following is a true copy of the said telegram :—

“His Honour Mr. Justice Edwards, Napier.—I have seen Attorney-General. The view taken is that you do not refrain from acting at once. Measure validating all previous appointments proposed. Conolly, if he will, to take all Napier 21st July. If you at liberty to take Nelson and Blenheim, to do so; if not, then either I or Conolly. If I go I should adjourn Wellington non-jury cases. Nelson is 3rd July. If inconvenient to Conolly and to you, I will take. Government do not wish arrange beyond the present difficulty with you, to be at liberty for Commission as soon as possible. Will you arrange with Conolly, and let me know about Nelson?”

“J. PRENDERGAST, C.J.”

29. After receipt of this telegram your petitioner believed that any doubts theretofore entertained by his Honour the Chief Justice as to the validity of your petitioner's commission as a Judge of the Supreme Court of New Zealand had been then set at rest.

30. In consequence of the said request of his Honour the Chief Justice, and of the arrangement so come to between his Honour the Chief Justice and the Government of the colony, your petitioner entered upon the exercise of his functions as a Judge of the Supreme Court of New Zealand before any reasonable time had elapsed to enable the Government of the Colony of New Zealand to request Parliament to make permanent provision for payment of your petitioner's salary, but not before the meeting of Parliament. The meeting of the session of Parliament in 1890 was on the 11th day of June, and your petitioner first exercised judicial functions on the 2nd day of July, 1890, at Nelson.

31. The provisions of “The Native Land Court Acts Amendment Act, 1889,” proved to be insufficient for the purposes for which the same were intended. Your petitioner carefully considered the enactment in question before any practical experience had been had of the working thereof, and on the 14th day of May, 1890, your petitioner addressed to the Hon. the Native Minister a letter fully pointing out the defective nature of the said enactment. Afterwards, on the 21st day of August, 1890, your petitioner drafted and sent to the Under-Secretary for the Native Department a Bill containing the provisions necessary to render the provisions of “The Native Land Court Acts Amendment Act, 1889,” intelligible and workable. The correspondence upon this subject, and the said draft Bill, appear upon pages 48 to 54, both inclusive, of the Parliamentary Paper H.—13, presented to the present session of Parliament.

32. Nothing, however, was done by the session of Parliament of 1890 towards rendering the legislation of the session of 1889 workable, and in consequence thereof there was not, until shortly before the expiration of the time allowed by “The Native Land Court Acts Amendment Act, 1889,” for making claims before the said Commission, being the 20th day of September, 1890, any work for your petitioner to perform as Commissioner, after the hearing of the first two cases in the month of June, 1890.

33. Immediately prior to the said 20th day of September, 1890, some twenty-three separate applications were made in respect of twenty-three separate blocks, but owing to the time required for service of the notices required by the rules made by the said Commissioners, none of the said applications could properly be heard before, at earliest, the middle of the following month of December, and the applications in respect of twenty-one of the said blocks were accordingly gazetted for hearing on the 16th day of December, 1890.

34. The services of your petitioner were, however, in the meantime urgently required for the performance of the judicial work at Wellington, Nelson, and Blenheim, and in the Court of Appeal, and your petitioner was from the said 3rd day of July, until leaving for Gisborne on the 13th day of December, 1890, in order to proceed with the work of the said Commission, continuously occupied in the work of the Supreme Court.

35. The long vacation of the Supreme Court began on the 20th day of December, 1890, and came to an end on the 31st day of January, 1891. Your petitioner devoted the whole of this time to the work of the said Commission.

36. Your petitioner returned to Wellington on the 10th day of February, 1891, and from that time until the end of April your petitioner was occupied with judicial work at Wellington, Napier, and Wanganui.

37. On the 14th day of March, 1891, your petitioner was informed by letter from the Hon. the Premier that, as provision had not been made by Parliament for the expenses of the Commissioners after 31st March, the Government had decided to bring its labours to a close, and that His Excellency the Governor in Council had been advised to revoke the Commission from that date.

38. At this time there were pending a considerable number of applications, fourteen of which had been heard and were, at the request of the parties, standing over for judgment, in order that it might be ascertained whether the Legislature would authorise the Commissioners to remove certain formal defects mentioned in the report of the Commissioners on the Gisborne sitting, and some five