

No. 75.

The UNDER-SECRETARY, Justice Department, to Mr. E. T. SAYERS.

SIR,—

Department of Justice, Wellington, 21st April, 1891.

I have the honour, by direction of the Minister of Justice, to inform you, in reference to the salary abstracts for this month received from you in favour of Mr. Edwards and yourself, that, as no money has been appropriated by Parliament for such salaries, the Government is unable to authorise payment thereof.

I have, &c.,

C. J. A. HASELDEN,

Under-Secretary.

E. T. Sayers, Esq., Supreme Court, Wellington.

No. 76.

Mr. Justice EDWARDS to the Hon. the PREMIER.

SIR,—

Judge's Chambers, Wellington, 24th April, 1891.

In reply to a letter, No. 635, dated 21st April, 1891, addressed by the Under-Secretary for the Department of Justice to my Secretary, in which the Under-Secretary states, by direction of the Minister of Justice, that, as no money has been appropriated by Parliament for payment of my salary or my Secretary's, the Government is unable to authorise payment thereof, I have the honour to say that I cannot acquiesce either at the decision at which the Government has arrived in this matter or in the reason given in the letter announcing such decision.

If that reason were good it would apply to all public services throughout the colony, since no money has been appropriated by Parliament for any of them after the 31st March last.

I have, &c.,

W. B. EDWARDS.

The Hon. the Premier, Wellington.

No. 77.

Sir ROBERT STOUT and Mr. H. B. VOGEL to the Hon. the ATTORNEY-GENERAL.

Memorandum for the Attorney-General. In re Mr. Edwards, and his Status as a Supreme Court Judge, and the Convict John Aldridge.

No doubt you are aware that proceedings have been commenced by John Aldridge against Mr. Edwards, challenging his right to sit as a Judge of the Supreme Court. John Aldridge was tried before Mr. Edwards charged with forgery, found guilty by a jury, and sentenced to five years' penal servitude.

The proceedings commenced by Aldridge are what is known to the law as *quo warranto*. In considering the case, however, we have come to the conclusion that it would not be safe to continue the proceedings in Aldridge's name, and the question whether or no Mr. Edwards is Judge of the Supreme Court can only be properly decided by having proceedings in the name of the Attorney-General. This would partake of the character, first, of *quo warranto*; second, of *scire facias*—that is, in addition to the statement dealing with the title of Mr. Edwards, relief would be claimed under rule 471 of the Supreme Court rules, for *scire facias*. Mr. Chapman, who acts for Mr. Edwards, would have no objection to the proceedings being so altered as to allow your name as Attorney-General to appear in the place of that of Aldridge. Seeing the great importance of the matter, and that the question should be decided on its merits, free from any technical point about procedure, we trust that you will allow your name to be used as the plaintiff in the action.

We also think that it would be more satisfactory, whatever the decision of the Supreme Court may be, to have the case ultimately brought before the Privy Council. That, however, is a question for future consideration. We may add that the expense need not be large, and, further, that, as the Judges are all here, the case should, if possible, be brought on at once, so that a Bench of four or five Judges should hear and determine it. We may add that we have come to this conclusion after careful consideration of the case and its surroundings, and ask respectfully your favourable consideration for our remarks.

Wellington, 27th April, 1891.

ROBERT STOUT.

H. B. VOGEL.

No. 78.

The Hon. the PREMIER to His Honour the CHIEF JUSTICE.

SIR,—

Premier's Office, Wellington, 25th April, 1891.

I have the honour to acknowledge the receipt of your letter of the 10th instant, enclosing memoranda by Mr. Justice Richmond, Mr. Justice Williams, and Mr. Justice Denniston upon the subject of the appointment of Mr. Edwards as a Judge of the Supreme Court, and informing me of Mr. Justice Conolly's views thereon.

I am informed by the Hon. Mr. Buckley that your Honour had intimated to him that at the time of Mr. Edwards's appointment there was no necessity for an addition to the number of Judges provided by the Civil List, and I should be glad to learn if you are still of the opinion, that is, whether the business of the Supreme Court in the Wellington District can be carried on without inconvenience to the public upon Mr. Justice Richmond's return to duty.

I have, &c.,

J. BALLANCE.

His Honour the Chief Justice, Wellington.