

ONSLow, Governor.

To Worley Bassett Edwards, Esquire, Barrister-at-law : Greeting.

Know ye that I, the Governor of the Colony of New Zealand, reposing especial trust and confidence in the integrity, learning, and ability of you, the said Worley Bassett Edwards, do, in the name and on behalf of Her Majesty by these presents, appoint you, the said Worley Bassett Edwards, to be a Puisne Judge of the Supreme Court of New Zealand. To have, hold, exercise, and enjoy the said office and place to you, the said Worley Bassett Edwards, during good behaviour; together with all and singular the rights, privileges, powers, authorities, rank, precedence whatsoever to the office and place belonging or in anywise appertaining.

Given under the hand of His Excellency the Right Honourable William Hillier, Earl of Onslow, of Onslow in the County of Salop; Viscount Cranley, of Cranley in the County of Surrey; Baron Onslow, of Onslow in the County of Salop, and of West Clandon in the County of Surrey; Baron Cranley, of Imbercourt; Baronet; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony of New Zealand, at Auckland, this second day of March, in the year of our Lord one thousand eight hundred and ninety.

E. MITCHELSON.

5. That the letter accompanying the said Commission, sent by the then Premier of the colony to the said Defendant, was as follows :—

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.

6. The Defendant acknowledged the said letter by a letter dated the 5th day of March, 1890, which was as follows :—

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.

7. That the appointing of the said Worley Bassett Edwards was not by way of substitution for or succession to any of the aforesaid Judges, nor did the Commission purport to be an appointment under section 12 of "The Supreme Court Act, 1882."

8. That no salary for the said Worley Bassett Edwards as such Judge was, prior to such appointment, "ascertained and established," and no salary has yet been ascertained or established for the said Defendant, and the Parliament has refused to vote any salary for the said Defendant as a Judge of the Supreme Court.

9. That the appointment of the said Defendant as a Commissioner under section 20 of "The Native Land Acts Amendment Act, 1889," came to an end on the 31st March, 1891, and the Defendant is not now any longer acting as a Commissioner under the said Act.

10. That the said Defendant claims that he is properly appointed a Judge of the Supreme Court of New Zealand, and claims to exercise, and has exercised, the office of Judge of the Supreme Court by hearing and adjudging civil and criminal causes before the Supreme Court and the Court of Appeal, and he claims to use and exercise all the privileges and perform all the duties belonging and appertaining to the office of a Judge of the Supreme Court.

11. That the Defendant has no legal warrant, authority, or right whatsoever for exercising the office of a Judge of the Supreme Court of New Zealand.

Whereupon the said Attorney-General for Our Sovereign Lady the Queen for New Zealand prays :—

1. The consideration of the Court in the premises.