

with the discharge by the Defendant of his duties as a Judge of the Supreme Court, and that the Ministry would pay to the Defendant his full salary of £1,500 per annum.

32. The Defendant has accordingly been duly and regularly paid his full salary as a Judge of the Supreme Court of New Zealand (and not as Commissioner) up to the 31st day of March last.

33. The Defendant's said salary has been paid monthly, and all the payments since the 27th day of January, 1890, have been made by the Ministry whereof the Plaintiff is a member, and the said Ministry have also caused to be paid to the Defendant his travelling-allowances on circuit as a Judge of the Supreme Court of New Zealand.

34. On the 21st day of April, 1891, the Hon. the Minister of Justice caused the Under-Secretary for the Department of Justice to write to the secretary of the Defendant, informing him that, as no money had been appropriated by Parliament for payment of the Defendant's salary, such salary could not be paid for the month of April.

35. The Defendant admits the allegations contained in the 7th and 10th paragraphs of the Statement of Claim in this action.

36. The Defendant denies the allegations contained in the 9th paragraph of the Statement of Claim; and the Defendant alleges that the Ministry whereof the Plaintiff is a member caused him, the Defendant, to be removed from his office of Commissioner as from the 31st day of March last, alleging as the ground thereof that no moneys had been appropriated by Parliament for payment of the expenses of the said Commission after the 31st day of March last, notwithstanding that there were then many matters, several of which had been heard, but not finally adjudicated upon, then depending before the said Commission.

37. No moneys have been appropriated by Parliament for the public services later than the 31st day of March, 1891, and since then the necessary payments for public services have been, and are now being, made under the authority of the 9th section of "The Public Revenues Act, 1882," as amended by the 3rd section of "The Public Revenues Act 1882 Amendment Act, 1883."

38. The said Commission of the Defendant now is of full force and virtue, and has been in no respect impeached, nullified, cancelled, or suspended; and the Defendant submits that he now is a lawfully-appointed Puisne Judge of the Supreme Court of New Zealand, wherefore the Defendant denies the allegation contained in the 11th paragraph of the Statement of Claim in this action.

This Statement of Defence was filed and served by Leonard Owen Howard Tripp, of No. 12, Brandon Street, in the City of Wellington, solicitor for the Defendant, whose address for service is at his office at No. 12, Brandon Street aforesaid.

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AFFIDAVIT OF THE DEFENDANT, FILED 8TH MAY, 1891.

I, WORLEY BASSETT EDWARDS, of the City of Wellington, in New Zealand, Esquire, the above-named Defendant, make oath and say,—

1. That I have read the foregoing Statement of Defence.

2. That so much of the allegations in the said Statement of Defence as relates to my own acts and deeds is true, and that so much thereof as relates to the acts and deeds of any other person I believe to be true.

3. In particular, I say that the facts set out in paragraphs 4, 7 to 10, both inclusive, 12 to 27, both inclusive, 32, 33, and 36 of the said Statement of Defence are within my own knowledge, and that the allegations contained in each and every of the said paragraphs are true in every particular.

W. B. EDWARDS.

Sworn at the City of Wellington, this 8th day of May, 1891, before me—

A. GRAY,

A Solicitor of the Supreme Court of New Zealand.

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AFFIDAVIT OF THE DEFENDANT, FILED 8TH MAY, 1891.

I, WORLEY BASSETT EDWARDS, of the City of Wellington, in New Zealand, Esquire, the above-named Defendant, make oath and say,—

1. Soon after the termination of the session of Parliament of 1889, Mr. T. W. Lewis, Under-Secretary for Native Affairs, waited upon me at my office in Wellington, and informed me that he was commissioned by the Hon. the Minister for Native Affairs then holding office to ascertain whether I would accept the position of Commissioner under "The Native Land Court Acts Amendment Act, 1889."