

loss, both of public time and money, has been occasioned; and that, with a view to the avoidance of this in future, it is essential that we, the said Commissioners, should have power, by writing under our hands, or under the hand of our secretary, from time to time to adjourn the hearing of any application made to us; and so that such adjournment may be made either to the place originally fixed for the hearing of such application or to any other place.

We have, &c.,

W. B. EDWARDS, }
JOHN ORMSBY, } Commissioners.

Dated at the City of Auckland, this 16th day of January, 1891.

AFFIDAVIT OF HENRY OTTERSON.

I, HENRY OTTERSON, of Wellington, in New Zealand, Clerk-assistant, House of Representatives, do make oath and say,—

1. That the question of the validity of the appointment of the Defendant as a Judge of the Supreme Court came before Parliament on the 4th day of July, 1890, when His Excellency the Governor sent a message to the House of Representatives transmitting a Bill to amend the Supreme Court Act.

2. That a copy of the message and Bill are hereunto annexed, and marked "A" and "B" respectively.

3. That, as will be seen by *Hansard*, volume lxvii., pages 306 to 329 inclusive, the Committee reported progress without having given leave to introduce the said Bill, and there was no further attempt made in Parliament to introduce the said Bill.

4. That on the 9th day of September, 1890, His Excellency the Governor transmitted by message certain supplementary estimates to be considered by Parliament, and on such estimates the following item appeared: Salary of Commissioner and Judge Edwards, from 2nd March, 1890, to 31st March, 1891, £1,621.

5. That on these supplementary estimates being considered by the Committee of Supply on the 15th day of September, 1890, certain members objected to voting any salary to the Defendant as Judge, and, on such objection being made, progress was reported, and a message was sent by His Excellency the Governor recommending the striking-out of the words "and Judge" from the item in the supplementary estimates. The message was in the words following:—

Message No. 19.

ONSLow, Governor.

THE Governor recommends the House of Representatives to make the following alteration in the supplementary estimates transmitted with message No. 6, of the 9th September instant: viz., Class IV., Minister of Justice.—In the first item, after the word "Commissioner," to strike out the words "and Judge."

Government House, Wellington, 15th September, 1890.

6. That the said message was referred to the Committee of Supply, and after it was so referred there was great objection to any vote being passed, as will be seen from *Hansard*, volume lxi., pages 913 to 919, both inclusive.

7. That, on the motion of the Hon. the Colonial Secretary, the sum of £125 was deducted from the said vote of £1,621, which left the salary of the Defendant as Commissioner up to the 31st day of March, 1891, at the rate of £1,375 per year.

H. OTTERSON.

Sworn at the City of Wellington, this 15th day of May, 1891, before me—

LEONARD G. REID,

A Solicitor of the Supreme Court of New Zealand.

This is the copy of message marked "A" referred to in the annexed affidavit of Henry Otterson.
Sworn this 15th day of May, 1891, before me—

LEOD. G. REID.

A Solicitor of the Supreme Court of New Zealand.

A.

ONSLow, Governor.

Message No. 4.

THE Governor transmits to the House of Representatives the enclosed Bill, intituled "An Act to amend 'The Supreme Court Act, 1882,' and to provide for the payment of an additional Judge," and, on behalf of Her Majesty, recommends the House to make provision accordingly.

Government House, Wellington, 1st July, 1890.