

ENDORSEMENT ON FOREGOING ABSTRACT.

THE Commission was signed on the 2nd March, and salary is payable only from such day. Please answer.

J. E. F. 18/4/90.

Accordingly.

W. M. R. 21/4/90.

THIS is the Abstract marked A, produced and shown to Worley Bassett Edwards and Frank Edwin Wilson, at the time of their severally swearing their affidavit herein, before me this 19th day of May, 1891, and referred to in such affidavit.

A. GRAY,
*A Solicitor of the Supreme Court
of New Zealand.*

ORDER REMOVING MOTION INTO COURT OF APPEAL.

ON Saturday, the 9th day of May, 1891, upon hearing Mr. Gully, of counsel for the Plaintiff, and Mr. Harper, of counsel for the Defendant, and by consent: It is ordered that the notice of motion made herein and filed on the 6th day of May, 1891, be removed into the Court of Appeal.

By the Court.

R. G. THOMAS,
Deputy Registrar.

No. 83.

ARGUMENTS IN THE COURT OF APPEAL IN THE CASE OF THE HON. THE ATTORNEY-GENERAL
v. W. B. EDWARDS.

MONDAY, 18TH MAY, 1891.

[Before His Honour the Chief Justice (Sir JAMES PRENDERGAST), His Honour Mr. Justice RICHMOND, His Honour Mr. Justice WILLIAMS, His Honour Mr. Justice DENNISTON, and His Honour Mr. Justice CONOLLY.]

Sir ROBERT STOUT and Mr. H. B. VOGEL for the plaintiff, instructed by Mr. HUGH GULLY, Crown Solicitor.

Mr. GEORGE HARPER, Mr. MARTIN CHAPMAN, and Mr. THEO. COOPER for the defendant, instructed by Messrs. CHAPMAN, FITZGERALD, and TRIPP, solicitors.

Sir R. Stout, having moved formally that the matter be set down in accordance with the rules, said: May it please your Honours, this is an action in which the Attorney-General for the Queen in the Colony of New Zealand is the plaintiff, and Mr. Worley Bassett Edwards, who claims to be a Judge of the Supreme Court, is the defendant. I do not think it is necessary to read the statement of claim and the statement of defence at length. I shall summarise them, and go into other matters as I go along. The statement shows that on the 2nd March, 1890, there were five duly-appointed Judges on the Supreme Court bench. It also states that the Acts to be referred to as New Zealand statutes dealing with the appointment of Supreme Court Judges are two—the Supreme Court Act of 1882, and “The Civil List Act 1863 Amendment Act, 1873.” It also states that the five Supreme Court Judges have been paid the salaries mentioned in the Civil List Act, and then it proceeds to set out a Commission issued by the Governor to Mr. Edwards, appointing him a Judge of the Supreme Court. There are also set out in the statement of claim certain letters that passed between the Government and Mr. Edwards at the time of his appointment. These letters have been supplemented by letters in the statement of defence, and in affidavits; and even this morning there has been—because of a point raised by the defendant as to the date of the Commission as a Commissioner under the Native Lands Act of 1889—an affidavit filed, showing that the Commission for the Commissionership and the Commission for the Supreme Court Judgeship were both sent to the defendant on the same day—the 6th March, 1890, and subsequent to the letters referred to in the statement of claim of the 5th March, 1890. The Court will see by-and-by that something may turn on this point as to the dates. The reason why these letters have been set out is to show the terms upon which Mr. Edwards has been appointed a Judge of the Supreme Court. It will be noticed that in the defence raised the defendant desires to make out that there was some contract—so far as I can gather from the statement of defence—or something amounting to a contract, outside of the Commission or along with the Commission. I submit that the statement of claim discloses what this contract—if it was a contract—was. The letter of the 1st March was acknowledged by the defendant on the 5th March. He states that he accepted the appointment made therein. The words of the letter are, “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 on the terms therein mentioned.” I do