

has not shown that the case of Rex and Chitty and Mossman's case do not apply expressly to the position we take up in this case.

*The Chief Justice* : The Court is unanimously of opinion that the seat of the member for the Awarua Electoral District in the present Parliament has not become vacant on the facts stated. We shall, therefore, as soon as the document can be prepared, forward to the Speaker of the House of Representatives the certificate of two Judges to that effect; and the members of the Court desire to intimate that the reasons for the conclusion we have arrived at will be put into writing, and will be announced as soon as possible. The only question now is the question of costs.

*Mr. Skerrett* : I submit that the costs ought to be allowed as between solicitor and client. It is obvious that subsection (3) of section 4 intends that the costs shall be as between solicitor and client, because it speaks of the scale of fees. There is no scale, and what is contemplated is that the costs shall go as between solicitor and client. I submit that the statute requires the fees to be fixed by the Court, and that your Honours will comply with the statute and forward the accounts to the Registrar to be fixed. I submit that Mr. Ward should have a complete indemnity for costs.

*The Chief Justice* : We allow the costs on one side — that is Mr. Ward's side — at seventy guineas, and on the Speaker's side we allow costs at forty guineas.

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