

Enclosure 1 in No. 3.

The CROWN SOLICITOR to Messrs. MACKRELL, MATON, and GODLEE, Solicitors, London.
Wellington, , 1891.

DEAR SIR,—

The Attorney-General v. Edwards.

This case arises out of the appointment of Worley Bassett Edwards as a Puisne Judge of the Supreme Court of New Zealand, under commission from the Governor of the colony bearing date the 2nd day of March, 1890. The appointment purported to be made under section 5 of "The Supreme Court Act, 1882." Immediately and for a considerable time prior to this appointment the Supreme Court had consisted of one Chief Justice and five Puisne Judges, and their salaries had been appropriated by statute. No statute had been passed either authorising the appointment of a sixth Judge, or providing for the payment of an additional salary. A doubt was at once suggested by the Chief Justice of the colony, whose function it was to swear in the new Puisne Judge, as to whether the appointment was constitutionally valid. After some slight delay, however, Mr. Edwards was sworn in, and proceeded to perform the ordinary functions of a Supreme Court Judge.

In the month of the colonial Legislature was in session, but the sittings ended without any validatory Act being passed, or any statutory appropriation of salary for the new Judge. A general election followed, and at the next ensuing session of Parliament the Government in power when the application was made found themselves in a minority, and the present Government took their place. In the meantime the doubt as to the validity of Mr. Edwards's appointment had been made public and freely circulated, and it became essential that some definite step should be taken to solve the doubt. The present proceedings were ultimately begun by the Attorney-General for the colony.

I now forward for your information—(1.) The case as argued before the colonial Court of Appeal. (2.) A report of the arguments of counsel before that Court. (3.) The judgments of the Court.

With regard to the procedure adopted in this case, I need only state that the statement of claim was filed under the New Zealand Supreme Court Code. Under that code there is no objection to causes of action being joined; and in this case you will see that by the prayer of the claim the plaintiff virtually seeks *quo warranto*, and in the alternative *sci. fa.* to repeal the grant. No question arises on the form of the claim, nor upon the parties, as the defendant has been a consenting party waiving all technical objections.

Yours faithfully,
HUGH GULLY,
Crown Solicitor.

Messrs. Mackrell, Maton, and Godlee, Solicitors, London.

Enclosure 2 in No. 3.

The CROWN SOLICITOR to L. TRIPP, Esq., Solicitor.

Wellington, 29th June, 1891.

DEAR SIR,—

Attorney-General v. Edwards.

I am preparing to send forward the case for appeal to the Privy Council herein at once, and should be prepared to meet your convenience in any way you can suggest with regard to printed copies of the case, or of counsel's arguments, which you may require.

I am instructing Messrs. Mackrell and Co., my agents, to retain Sir H. Davey and Mr. Findlay, Q.C., to argue the case before the Privy Council.

I propose to lodge the cases and formal notice at once. I understand that the Registrar will be satisfied with the deposit of £500 as security.

I have, &c.,
HUGH GULLY,
Crown Solicitor.

L. Tripp, Esq., Solicitor, Wellington.

No. 4.

The SECRETARY, Canterbury Law Society, to the MINISTER of JUSTICE.

SIR,—

Christchurch, 7th July, 1891.

I have the honour, by direction of the Council of the Canterbury District Law Society, to forward the following resolution passed unanimously at a meeting held yesterday:—

"That the appointment of Mr. Justice Edwards having been made nearly eighteen months ago, and being valid according to the judgment of the Court of Appeal, and his Honour having in the interval discharged his duties as a Judge to the satisfaction of the profession and the public, and there being no objection on the score of character or capacity, this Council ventures respectfully to urge upon the Government the advisability of discontinuing further proceedings, and of passing an Act providing for his salary, as in the opinion of this Council the present deadlock is injurious to the prestige and authority of the Supreme Court."

I have, &c.,
HENRY SLATER,

Honorary Secretary, Canterbury Law Society.

The Hon. W. P. Reeves, Minister of Justice, Wellington.