

*His Honour* : I think it might be taken as if £1,200 were claimed. I think that will be reasonable compensation.

*Mr. Chapman* : And second day and second counsel?

*His Honour* : Yes.

*Mr. Chapman* : We can settle the decree in Chambers to-morrow.

*His Honour* : Very well; you had better draw up what you want.

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TUESDAY, 12TH APRIL, 1892.

Motion to settle minutes of decree.

*Mr. Chapman* appeared for the plaintiff, and *Mr. Haggitt* for the defendants.

After argument, his Honour granted the decree in the following terms: "Order made that the defendants, J. M. Ritchie and William Henderson, be discharged from the suit, and that the defendants, the National Mortgage and Agency Company of New Zealand (Limited), do pay to the plaintiff the sums of £685 0s. 1d. and £10 10s. mentioned in the statement of claim. That the defendant company do indemnify plaintiff against all actions, suits, claims, and demands which may be made by or on behalf of Her Majesty the Queen, or by any person, for or in respect of rent, penalties, or any other liability of any kind whatever consequent upon or arising out of the circumstance of the plaintiff being the licensee of the said run and premises. That the defendant company do pay to the plaintiff his expenses in connection with his arrest, obtaining bail, and his release, and the legal and other expenses of the persons whom he procured to become bail; such costs to be fixed by the proper officer of the Court. That the defendant company be ordered to reimburse the plaintiff the sums of £15 3s. and £5 5s. referred to in the said statement of claim. That the defendant company do pay to the plaintiff his costs of this action, as upon a sum of £1,200 being claimed, allowance for second day and second counsel, witnesses' expenses, and disbursements to be settled by the proper officer of this Court."

*Mr. Haggitt* asked that there should be stay of proceedings on security being given in the event of appeal. He said that of course it was apparent if they paid *Mr. Scott* the money there would be no chance of getting it back again if they succeeded in the appeal.

*Mr. Chapman* said they would undertake not to hand the money to *Mr. Scott*, but he did not see that they could undertake not to pay the debt to the Crown.

*Mr. Haggitt* replied that in either case it would be equally gone.

*His Honour* said the usual course, if security was given, was to give stay of proceedings.

*Mr. Chapman* thought that the usual course applied to usual cases; this was a special case. The money was due to the Crown, and if *Mr. Scott* could not give security, what was to happen if he were again arrested?

*His Honour* : I do not suppose that while the appeal is pending the Government would act. It would be tyrannous.

*Mr. Chapman* : Some of the critics said the action of the Government was tyrannous before.

*His Honour* : That is a different thing. There would be no object now in it.

*Mr. Chapman* asked that the appeal should come on at the May sittings—that that should be a condition of proceedings being stayed. *Scott's* position, learned counsel remarked, would become intolerable.

*His Honour* : The only awkwardness *Scott* is exposed to is that the Government may arrest him again for the rent; but I should suppose they are not likely to do that while the proceedings are pending anyhow.

*Mr. Haggitt* said they were not bound to give notice for twelve months, but they did not intend to take advantage of that, and, if his Honour wished, the terms might be that notice of appeal should be given within thirty days. He did not want to give notice of appeal until they were determined to go on with the appeal.

*His Honour* directed that, if notice of appeal be given within thirty days, and security be given within six days thereafter, either to prosecute the appeal at the October sittings of the Court of Appeal and perform the judgment of the Court of Appeal, or to perform the judgment of this Court, action be stayed until after the sitting of the Court of Appeal.

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