

Some stress was laid in the argument for the respondent upon the interpretation which, it was alleged, had been put upon the Supreme Court Judges Act, as evidenced by certain appointments made by the Governor. It appears that Mr. Justice Gillies and Mr. Justice Williams were appointed in 1875, about a month before the resignation of the learned Judge whom they were to succeed was gazetted. Mr. Justice Richmond and Mr. Justice Chapman received their appointments in 1862 and 1864, before the Civil List Acts of 1862 and 1863, each of which provided the salary for an additional Judge, came respectively into force, though after they had passed the Legislature and had been reserved for Her Majesty's pleasure to be signified. The former Act provided that it was to take effect from the 1st of July, 1862, a date prior to the appointment of Mr. Justice Richmond, but there was no special provision in "The Civil List Act, 1863." It is manifest that all these were intended to be appointments of Judges to whose office a salary was regarded as already secured by the Legislature. And Mr. Justice Gresson, whose appointment was the first made under the Act of 1858, did not receive his commission until the day after the Act providing a salary for him came into force. Their Lordships cannot attribute any weight to the facts relied on as affecting the interpretation of the enactments which have to be construed. There may have been irregularity in some of these appointments, and it would be contrary to sound principle to allow the interpretation indicated by such practice, even if it had been uniform and unequivocal, to guide the Court in the construction of a modern statute.

Their Lordships will humbly advise Her Majesty that the judgment of the Court of Appeal of New Zealand should be reversed, and judgment on the motion entered for the Attorney-General. Under the peculiar circumstances of this case, their Lordships do not think that the respondent should be ordered to pay the costs in the Court below, or of this appeal.

No. 16.

(New Zealand, No. 30.)

MY LORD,—

Downing Street, 27th July, 1892.

A.-1, 1893, No. 1.

I have the honour to acknowledge the receipt of your Despatch No. 30, of the 15th of June, reporting your arrival, and the assumption of the Government of New Zealand on the 7th of that month.

I have, &c.,
KNUTSFORD.

Governor the Right Hon. the Earl of Glasgow, G.C.M.G., &c.

No. 17.

(Circular.)

MY LORD,—

Downing Street, 18th August, 1892.

I have the honour to inform you that Her Majesty has been pleased to intrust to my care, as one of the Principal Secretaries of State, the seals of the Colonial Department.

I have, &c.,
RIPON.

The Officer Administering the Government
of New Zealand.

No. 18.

(New Zealand, No. 38.)

MY LORD,—

Downing Street, 24th August, 1892.

A.-1, 1893, No. 5.

I have the honour to acknowledge the receipt of your Despatch No. 36, of the 12th ultimo, enclosing copies of the Speech with which you opened the Parliament of New Zealand on the 23rd of June, and of the Addresses presented to you in reply from both Houses.

I have, &c.,
RIPON.

Governor the Right Hon. the Earl of Glasgow, G.C.M.G., &c.

No. 19.

(New Zealand, No. 39.)

MY LORD,—

Downing Street, 24th August, 1892.

A.-1, 1893, No. 4.

I have the honour to acknowledge the receipt of your Despatch No. 35, of the 12th ultimo, reporting the election of the Honourable Henry John Miller as Speaker of the Legislative Council of New Zealand, in succession to the late Sir Harry Atkinson, K.C.M.G.

I have, &c.,
RIPON.

Governor the Right Hon. the Earl of Glasgow, G.C.M.G., &c.