

No. 82.

CASE IN THE COURT OF APPEAL BETWEEN THE HONOURABLE THE ATTORNEY-GENERAL AND
MR. W. B. EDWARDS.

IN THE

Court of Appeal of New Zealand. } No.

Between PATRICK ALPHONSUS BUCKLEY, AS
AND BEING THE ATTORNEY-GENERAL OF
NEW ZEALAND - - - - Plaintiff,

AND

WORLEY BASSETT EDWARDS - - Defendant.

Case

ON MOTION REMOVED BY CONSENT FROM THE SUPREME COURT OF NEW ZEALAND.

THE following documents herein have been filed on behalf of the Plaintiff:—

	PAGE		PAGE
1. Statement of claim	38	6. Affidavit of C. J. A. Haselden	56
2. Affidavit of H. B. Vogel	40	7. " C. J. A. Haselden	57
3. Notice of motion	40	8. " W. J. Morpeth	57
4. Affidavit of W. J. Morpeth	47	9. Order removing case	69
5. " H. Otterson	55		

The following documents herein have been filed by the Defendant:—

	PAGE		PAGE
1. Statement of defence	40	5. Affidavit of Defendant	58
2. Affidavit of Defendant	43	6. " E. T. Sayers	58
3. " Defendant	43	7. " Defendant and F. E. Wilson	67
4. " F. Harrison	47		

STATEMENT OF CLAIM.

PATRICK ALPHONSUS BUCKLEY, Attorney-General of our Sovereign Lady the Queen in New Zealand, saith,—

1. There were on the 2nd March, 1890, and there are still, five duly-appointed Judges of the Supreme Court of New Zealand—to wit, one Chief Justice and four Puisne Judges, who were appointed on the dates following—that is to say: His Honour Sir James Prendergast, appointed on the 1st day of April, 1875; His Honour Christopher William Richmond, appointed on the 20th day of October, 1862; His Honour Joshua Strange Williams, appointed on the 3rd day of March, 1875; His Honour John Edward Denniston, appointed on the 11th day of February, 1889; His Honour Edward Tennyson Conolly, appointed on the 19th day of August, 1889.

2. The Acts of the General Assembly of New Zealand dealing with the appointment of Supreme Court Judges now in force in New Zealand are, "The Supreme Court Act, 1882," and "The Civil List Act 1863 Amendment Act, 1873."

3. That the Judges above named have been paid the salaries mentioned in the Civil List Act above-mentioned.

4. That on the 2nd day of March, 1890, His Excellency the Governor of New Zealand, purporting to exercise the powers vested in him by the said "Supreme Court Act, 1882," issued a Commission to Worley Bassett Edwards, Esquire, then of Wellington, in the Colony of New Zealand, a Barrister of the Supreme Court of New Zealand of more than seven years' standing, purporting to appoint him to be a Puisne Judge of the Supreme Court of New Zealand. The Commission is in these words:—