

SESS. II.—1891.
NEW ZEALAND.

MR. W. B. EDWARDS

(PAPERS RELATING TO THE APPOINTMENT OF).

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1*.

W. B. EDWARDS, Esq., to the Hon. E. MITCHELSON.

DEAR SIR,—

Wellington, 6th November, 1889.

Since my last communication with you on the subject of the proposed Commissionership I have had the opportunity of considering the matter more fully, and of conferring confidentially with one or two friends from different parts of the colony, who are leaders of the Bar.

The result is that I have come to the conclusion that the acceptance of this office would practically result in my retirement from the practice of my profession.

I could not accept a brief from or give an opinion to a solicitor who was concerned or might afterwards be concerned in any business before the Commission in any matter whatever, without being exposed to the imputation of being indirectly bribed.

In the public interest it would be improper that there should be any business relations whatever between the Commissioner and any one interested whether as party or solicitor in any matter which could come before him.

On the other hand it would be impossible for me to give up my practice at the Bar, which is not inconsiderable, for an appointment of quite an uncertain duration.

I have therefore come to the conclusion that I must decline the office of Commissioner even though you should be willing to fix the salary and allowances as those of a Supreme Court Judge.

In so doing allow me to thank you sincerely for the mark of confidence in me which is involved in the offer of the appointment.

The office is no doubt a high one, and the powers conferred upon the Commissioner exceed those now possessed by the highest Judge in the land.

I have been exceedingly anxious to accept the office if I could see my way to doing so without a ruinous loss, but to do so would, I am convinced upon mature reflection, result in the complete destruction of my present business connection both as a solicitor and at the Bar, and I am not in a position to hazard that.

If you will allow me to make a suggestion, it is that the only way in which you are likely to be able to obtain a leading member of the Bar for the office is by first creating him a Judge of the Supreme Court.

The work of the Commissioner could then be assigned to him, and he could without any material interference with his duties as Commissioner also undertake the circuit sittings of the Supreme Court at Gisborne and Napier.

This would be a great relief to the Judges of the Wellington and Auckland Judicial Districts, and would enable the business of the Supreme Court in the principal centres to be disposed of much more speedily and satisfactorily than is at present possible.

In the opinion of many laymen, as well as the leading members of the Bar, the appointment of an additional Judge cannot in any case be long delayed, and if the work of the Commission is likely to last, as you anticipate, for five years, and the fees are made (as they can be and in my opinion ought to be) sufficiently large to cover the cost of the Commission, the country would get the advantage of some judicial work without any extra cost; and those who are interested in matters coming before the Commission would have the satisfaction of knowing that their interests were dealt with by a judicial officer of the highest standing, who could have no interest, direct or indirect, to serve in connection with matters which came before him as Commissioner.

I am, &c.,

The Hon. E. Mitchelson, Wellington.

W. B. EDWARDS.

* The original of this letter cannot be traced in the Native Office, and has therefore not been recorded with the other papers on the subject; but, as it has been included in the statement of defence in the case the Attorney-General and Mr. Edwards, recently before the Court of Appeal, it is inserted here. See page 46.