

and the result was that I came to the conclusion that my acceptance of the office would practically result in my retirement from the practice of my profession, and also that it was improper upon public grounds that the office of Commissioner should be held by a barrister in practice; and on 6th November, 1889, I wrote to the Hon. the Native Minister informing him that I must decline the office, even though the Government should be willing to fix the salary and allowances at those of a Judge of the Supreme Court.

15. In the same letter I suggested to the Hon. the Native Minister that the only way in which the Ministry was likely to be able to obtain a leading member of the Bar for the office was by first creating him a Judge of the Supreme Court.

16. A copy of this letter is hereunto annexed.*

17. In reply, I received on the 7th November, 1889, from the Hon. the Native Minister a letter†, a copy of which is also hereto annexed, in which it was intimated that the suggestion which I had made as to the propriety of appointing an additional Judge of the Supreme Court to whom the work of the Commission should be assigned was of such importance that he had determined to submit it for the consideration of the Cabinet upon the return of the Premier to Wellington.

18. I heard nothing further of a formal character upon the matter for a very considerable period.

19. I saw the Hon. the Native Minister once or twice, and I had some conversation with him upon one or two points connected with the subject, particularly with reference to the case of *Poaka v. Ward*, which was then under appeal to the Court of Appeal, but the Hon. the Native Minister said nothing to commit the Ministry in any way either to adopt the course I had suggested or to confer any appointments upon me if they saw fit to adopt my suggestion.

20. At some considerable time after these interviews with the Hon. the Native Minister, it came to my knowledge that the Ministry had determined to appoint an additional Judge and to assign the work of the Commission to him, and it also came to my knowledge that the offices so to be created had been offered to another member of the Bar, who was my informant, and who after considering the matter had declined, for reasons personal to himself, to accept them.

21. After this a considerable time—I should think three or four weeks—elapsed before I again heard anything about the matter. At some time towards the end of February—I should think about the 20th February—I received a message from the Hon. the Premier requesting me to call upon him at his office, and upon my doing so he offered me the offices in question, and I accepted them.

22. Later I received from the Hon. the Premier a letter dated the 1st of March, 1890, which, with my reply thereto, was laid upon the table of the House of Representatives during the session of Parliament of 1890.

23. I venture to say that a just consideration of these facts, all of which can readily be proved, can lead to no other conclusion than that my selection for the office originally offered to me was entirely unsolicited by me; that the offices which I hold were conferred upon me by the late Ministry only after a protracted negotiation, and then only after they had been declined by another member of the Bar; that I have given up a large and lucrative practice to accept high office under the Crown; that (as is shown by my memorandum of this date upon the legal aspect of the matter) my appointment as a Judge of the Supreme Court was strictly in accordance with every existing precedent in the colony, and that, even if it should prove (as, for the reasons mentioned in my last-mentioned memorandum, I am confident it cannot) that my Commission could be avoided upon technical grounds, the public faith of the colony requires that the terms of the contract entered into with me by the late Premier of the colony should be strictly adhered to.

Judge's Chambers, Wellington, 26th February, 1891.

W. B. EDWARDS.

No. 56.

The Hon. the PREMIER to Mr. Justice EDWARDS.

SIR,—

Premier's Office, Wellington, 27th February, 1891.

I have the honour to acknowledge the receipt of your letter of the 26th instant, with its enclosures, a copy of which letter I have forwarded to his Honour the Chief Justice.

His Honour Judge Edwards.

I have, &c.,

J. BALLANCE.

No. 57.

The Hon. the PREMIER to His Honour the CHIEF JUSTICE.

SIR,—

Premier's Office, Wellington, 27th February, 1891.

I have the honour to forward for your information copy of a letter which I have this day received from Mr. Justice Edwards relative to his appointment.

Referring to the two last paragraphs of that letter, I have the honour to state that the Government is not prepared to make any conditions as to Mr. Edwards presiding at the Napier sitting of the Supreme Court, and the Government has already expressed its opinion that Mr. Edwards should not exercise judicial functions pending the decision of Parliament.

The proposal to submit the matter to the Privy Council or Law Officers of the Crown in England requires mature deliberation, and I understand that, though the Attorney-General mentioned the Privy Council to your Honour, he did so as one of several courses that might be adopted, and it seems to the Government that any proposal of this kind must depend on whether the parties could

* See No. 1, page 1.

† See No. 2, page 2.