

SESS. II.—1891.  
NEW ZEALAND.

# MR. W. B. EDWARDS

(FURTHER PAPERS RELATING TO THE APPOINTMENT OF).

[In continuation of H.—13.]

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

## No. 1.

W. B. EDWARDS, Esq., to the Hon. the PREMIER.

SIR,—

Wellington, 15th June, 1891.

I perceive that the Hon. the Attorney-General, in a memorandum dated the 21st February, 1891, to yourself (published in Parliamentary Paper H.—13, lately submitted to both Houses of Parliament), after referring to a memorandum in the handwriting of the late Attorney-General, in which it was stated that, in deference to the doubts entertained by his Honour the Chief Justice as to the validity of my appointment, I had informed the Government that I would perform no judicial act as a Supreme Court Judge until after the meeting of the next session of Parliament, goes on to say, "How far Mr. Edwards has carried out that promise is a matter of notoriety, he having, I believe, in the time between his appointment as Commissioner and the meeting of Parliament, exercised judicial functions in Nelson and Blenheim."

I must assume that the Hon. the Attorney-General, at the time when he made this charge of breach of faith against me, and up to the date of its publication, was unaware that the exercise by me of judicial functions prior to the meeting of Parliament was at the express request of the Ministry then holding office, and also of his Honour the Chief Justice, and in order that the public business of the colony might not suffer. The latter reason fully appears in the letter of his Honour the Chief Justice to the Hon. the Premier, No. 23, Parliamentary Paper H.—13, at page 7.

The arrangement that I should be asked to sit prior to the meeting of Parliament was come to between the late Attorney-General, the Hon. Sir Frederick Whitaker, and his Honour the Chief Justice, during my absence from Wellington, and was notified to me by his Honour the Chief Justice on the 14th June, 1890, by a telegram of which I subjoin a copy.

The charge of breach of faith made against me by the Hon. the Attorney-General is therefore entirely without foundation. This actually appears from the memorandum quoted by the Hon. the Attorney-General himself; but if he did not appreciate the meaning of that memorandum it is to be regretted that he did not, before levelling a charge of breach of faith against me, ascertain, either from his Honour the Chief Justice or from myself, how it was that I came to sit in the Supreme Court before the meeting of Parliament.

With reference also to the further statement of the Hon. the Attorney-General in the memorandum above mentioned, that "from the first, as he reads the correspondence, doubts were entertained by the late Attorney-General, the Chief Justice, and Mr. Edwards himself as to the validity of the appointment," I have, so far as I am concerned, to give that statement the most explicit denial.

I have never entertained the smallest doubt as to the validity of my appointment, nor is there anything whatever in the correspondence which can justify that inference. Further, the late Attorney-General, the Hon. Sir Frederick Whitaker, has repeatedly assured me that he was equally without doubt as to the matter.

I ought to add that the Hon. the Attorney-General, in his memorandum of the 3rd March, 1891 (Parliamentary Paper H.—13, No. 59), at page 25, has completely misapprehended the meaning of the memorandum addressed by me to yourself as to the validity of my appointment. As, however, that question has now been the subject of judicial decision in the Court of Appeal, it is unnecessary for me to enter further upon it here.

I have the honour to request that you will cause this letter, with the subjoined telegram, to be laid before Parliament, as that course has been taken with respect to the memoranda to which it refers.

The Hon. the Premier, Wellington.

I have, &c.,

W. B. EDWARDS.

## Enclosure.

COPY of TELEGRAM from his Honour the CHIEF JUSTICE to W. B. EDWARDS, Esq.

His Honour Mr. Justice Edwards, Napier.

I HAVE seen Attorney-General. The view taken is that you do not refrain from acting at once. Measure validating all previous appointments proposed. Conolly, if he will, to take all Napier 21st July. If you at liberty to take Nelson and Blenheim, to do so; if not, then either I or