

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

Conolly. If I go I should adjourn Wellington non-jury cases. Nelson is 3rd July. If inconvenient to Conolly and to you, I will take. Government do not wish arrange beyond the present difficulty with you, to be at liberty for Commission as soon as possible. Will you arrange with Conolly, and let me know about Nelson?

Napier, 14th June, 1890.

J. PRENDERGAST, C.J.

No. 2.

The Hon. the ATTORNEY-GENERAL to the Hon. the PREMIER.

Hon. Premier.

I THINK you should refer this letter to his Honour the Chief Justice before you reply to Mr. Edwards. I never saw the telegram therein referred to, and I gathered from the papers that Mr. Edwards, as well as the others, had doubts; otherwise, why was a Bill, in his own handwriting, prepared to give validity to his appointment. I made no assertion; my statement on that head is a mere deduction from facts submitted.

16th June, 1891.

P. A. BUCKLEY.

P.S.—I am not the Attorney-General referred to in that telegram.—P. A. B.

No. 3.

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

SIR,—

Premier's Office, 18th June, 1891.

I have the honour to forward, for your perusal, a letter I have received from Mr. W. B. Edwards, in which he takes exception to the remarks of the Hon. the Attorney-General, published in a Parliamentary paper (H.—13), copy of which I also enclose. I also forward a memorandum by the Attorney-General commenting on Mr. Edwards's letter, and I shall be glad to receive any remarks you may think it necessary to make in reference to Mr. Edwards's statements. Be good enough to return the letter and the memorandum.

I have, &c.,

His Honour the Chief Justice.

J. BALLANCE.

No. 4.

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

SIR,—

Judge's Chambers, Wellington, 20th June, 1891.

I have the honour to acknowledge the receipt of your letter of the 18th instant. The only remark that appears to me to be necessary for me to make on the matter mentioned in that letter is, that an interview between myself and Sir Frederick Whitaker took place before the meeting of Parliament in June, 1890, and after my letter of the 10th of the same month to Sir Harry Atkinson, which letter called Sir H. Atkinson's attention to the fact that the time for holding Circuit Courts was then approaching, and that I had adjourned the Napier Circuit sittings to the 21st July, thinking that date would give ample time for passing any measure the Government might propose to submit to Parliament on the subject of the appointment of Mr. Justice Edwards.

The interview with Sir Frederick Whitaker is referred to in the note printed in Parliamentary Paper, H.—13 page 3. Upon that interview I proceeded to communicate with Mr. Justice Conolly and Mr. Justice Edwards as to arrangements for holding the Circuit Courts at Blenheim, Nelson, and Napier; and, in making those arrangements, the telegram to Mr. Justice Edwards, a copy of which is in his letter to you of the 15th instant, was no doubt sent.

I return herewith letter of Mr. Justice Edwards, dated the 15th instant, and also memorandum of the 16th instant from the Hon. Mr. Buckley, attached thereto.

I have, &c.,

The Hon. the Prime Minister, Wellington.

JAMES PRENDERGAST, Chief Justice.

No. 5.

Mr. A. WILLIS to W. B. EDWARDS, Esq.

SIR,—

Premier's Office, Wellington, 22nd June, 1891.

I have been directed by the Hon. the Premier to acknowledge the receipt of your letter of the 15th instant, calling attention to a memorandum by the Attorney-General dated the 21st February, 1891, published in Parliamentary Paper H.—13, lately submitted to both Houses of Parliament, and attaching copy of a telegram from the Chief Justice to yourself dated the 14th June, 1890.

I am to inform you that a copy of your letter and of the telegram will be laid before Parliament as requested.

I have, &c.,

W. B. Edwards, Esq., Wellington.

ALEX. WILLIS.

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