

1903.

NEW ZEALAND.

## THE PORIRUA APPEAL CASE:

LETTER FROM AGENT-GENERAL ENCLOSING LETTER TO SECRETARY OF STATE, TOGETHER  
WITH JUDGMENT OF PRIVY COUNCIL.*Laid on the Table of both Houses of the General Assembly by Leave.*

The AGENT-GENERAL to the Right Hon. the PREMIER.

Case 1337.—*Viá* San Francisco.—No. 1413.

Westminster Chambers, 13, Victoria Street,

London, S.W., 21st May, 1903.

SIR,—

*Wallis v. Solicitor-General for New Zealand.*

Referring to my letters Nos. 1220 of the 1st instant and 1331 of the 8th instant, I beg to enclose copy of letter which I have addressed to the Right Hon. the Secretary of State for the Colonies enclosing a copy of your telegraphic communication to me of the 27th April last.

I deemed it right that the important protests made by the Chief Justice and Justices Williams and Edwards should be brought under the special notice of the Imperial Government.

Previous to sending my letter to the Colonial Office I conferred with Mr. Godlee (of Messrs. Mackrell and Co.), who assured me that nothing was said by counsel on either side when the case came before the Privy Council which would justify the harsh and unjust imputations made by Lord Macnaghten in the judgment delivered by him in this case.

I enclose a few more Press notices relating to the matter.

I have, &amp;c.,

W. P. REEVES.

The Right Hon. the Premier, Wellington, New Zealand.

The AGENT-GENERAL to the Right Hon. the SECRETARY OF STATE FOR THE COLONIES.

SIR,—

London, 19th May, 1903.

I have the honour to enclose for your information a copy of a communication telegraphed to me by the Prime Minister of New Zealand, relative to some observations recently made by Lord Macnaghten on the Court of Appeal and Executive of New Zealand. The remarks of His Lordship were contained in the judgment of the Privy Council, delivered by him in the case of *Wallis v. The Solicitor-General for New Zealand*. In reversing the judgment of the New Zealand Court of Appeal, Lord Macnaghten took the occasion, in language unhappily too plain to be misunderstood, to suggest that the Court of Appeal of New Zealand had denied justice to an applicant at the bidding of the Executive of the colony. Against this imputation both the Prime Minister and the Chief Justice of New Zealand protest in the strongest way.

I am, it is needless to say, fully aware how undesirable it is to criticize the language or actions of a judicial officer, and especially one holding the exalted position occupied by Lord Macnaghten; but the reflection which he went out of his way to cast upon the judicature and Executive of New Zealand is not one to be passed over in silence. I say that Lord Macnaghten went out of his way to make this reflection, because, as far as I can ascertain, no suggestion of deliberate injustice had been made before him in argument, nor was there a tittle of evidence before the Privy Council to sustain it.

If weight were generally to be attached to Lord Macnaghten's imputation, the result would assuredly be to destroy public confidence in the highest tribunal in the colony: a very lamentable result. Fortunately, the integrity and independence of the New Zealand Judges is so widely known, and so implicitly believed in, that the only effect of His Lordship's words appears to have been to provoke an expression of just indignation; but this, though satisfactory testimony to the public confidence in the Court of Appeal of New Zealand, may possibly have a regrettable effect. Hitherto the colony has been second to none in the respect entertained by it for the Privy Council, and in the value it has attached to maintaining the connection between its local judicial system