

9. After some consideration your petitioner determined to accept the appointment provided he received the salary and allowances of a Judge of the Supreme Court, and he had a guarantee of a three years' engagement, and also the liberty to carry on the practice of his profession of a barrister and solicitor, but not otherwise; and he intimated his determination to the Hon. the Native Minister.

10. Your petitioner received no further communication from the Hon. the Native Minister for some time, and he understood that the said Minister had left Wellington shortly after the decision of your petitioner was communicated to him.

11. In the meantime your petitioner had an opportunity of reconsidering the matter, and the result was that your petitioner came to the conclusion that his acceptance of the office would practically result in his retirement from the practice of his 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 the 6th November, 1889, your petitioner wrote to the Hon. the Native Minister informing him that he 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.

12. The letter mentioned in the last paragraph was and is in the words and figures following:—

“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 directly 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 allowance 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 clear 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 Commission can 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 will 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.

13. In reply to the letter set out in the last paragraph, your petitioner received from the Hon. the Native Minister a letter which was and is in the words and figures following:—

“DEAR SIR,—

“Wellington, 7th November, 1889.

“I am in receipt of your letter of the 6th instant, and in reply, while regretting that you have considered it necessary to decline the appointment which the Government sought to confer upon you, yet I cannot but admit there is a good deal of reason shown in your letter for such refusal.

“The question raised in the latter portion of your letter is of such importance that I shall submit it for the consideration of Cabinet upon the return of the Premier to Wellington.

“Yours truly,

“E. MITCHELSON.

“W. B. Edwards, Esq., Solicitor, Brandon Street, Wellington.”