

Attorney-General's Office, Wellington, 9th May, 1918.

DEAR MR. JUSTICE EDWARDS,—

I desire at once to acknowledge your letter of the 9th instant, in reply to mine of the 8th. I think the correspondence necessarily began by a letter addressed to yourself, since the object was to ascertain what you yourself would admit to be a proper method of communication to you on behalf of a practitioner who desired reconsideration by you of observations made judicially affecting him. I have already expressed my thanks to you for bringing the questions involved in my first letter before their Honours the Judges of the First Division, and wish to repeat my thanks to you for now submitting to their Honours my letter of the 8th. The result has been to obtain an authoritative expression of their Honours' views on two questions.

As to the first matter dealt with—namely, the requirement in every instance of “facts proved before the jury, or obvious from the nature of the case,” before counsel for a prisoner can be justified in either attributing the crime to another person, or in pointing out that that other person is under suspicion, or that another person or persons may equally as well as the prisoner have committed the crime—the ruling is apparently wide enough to mark as improper in future certain lines of cross-examination and address by counsel for a prisoner which a long experience of criminal procedure leads me to believe have not hitherto been regarded by the profession as exceeding the limits of honourable advocacy. But I feel sure that the expression of opinion from their Honours on such a subject will have all due respect and weight.

With regard to the second matter—namely, the Judge's view that the Council of the New Zealand Law Society should be the only recognized channel of such communications—I personally see no objection to that view, but should like to first consult the Council of the New Zealand Law Society, and through them the District Law Societies, before replying. The stipulation that the Council should first satisfy itself of the existence of reasonable grounds for any such communication I accept at once as a necessary condition.

I gladly accept your Honour's suggestion that any further correspondence on the subject should be addressed to His Honour the Chief Justice. I desire your Honour's permission to circulate this present correspondence to the profession, and shall assume that permission unless I hear from you to the contrary.

The Hon. Mr. Justice Edwards, Supreme Court, Wellington.

I have, &c.,

F. H. D. BELL.

DEAR MR. ATTORNEY-GENERAL,—

Judge's Chambers, Wellington, 10th May, 1918.

In reply to your letter of yesterday's date I have to say that the Judges have no objection whatever to the publication of the correspondence in this matter.

The Judges agree that this correspondence properly began with a letter necessarily addressed by you to me, and that it has so been properly continued. It is a mere incident that it has developed further than was at first anticipated.

With reference to your remarks as to the effect of the ruling of the Judges upon the matter in question, the Judges desire to say that they are unable to understand how that ruling can in any way conflict with the practice which has hitherto been observed by reputable members of the Bar.

I have, &c.,

W. B. EDWARDS.

Attorney-General's Office, Wellington, 31st May, 1918.

The Secretary, New Zealand Law Society, Supreme Court Buildings, Wellington.

SIR,

I have the honour to submit for the information of the Council of the New Zealand Law Society a printed copy of the correspondence which has recently taken place between myself as Attorney-General and His Honour Mr. Justice Edwards.

The Council will observe that the exact details of Mr. Singer's complaint have not been submitted for the consideration of either His Honour Mr. Justice Edwards or their Honours the Judges of the First Division of the Court of Appeal. Their Honours having conceded the privilege of the Council of the New Zealand Law Society to submit for reconsideration of a Judge of the Supreme Court subject-matter in respect of which that Council is itself satisfied that a member of the profession has made out a *prima facie* case of grievance, it appears now to be for the Council to consider whether the present matter is one in regard to which it considers that such a *prima facie* case has been established. The view taken by their Honours of the limit of honourable advocacy may bring the present complaint of Mr. Singer within a class of complaint in respect of which the Council of the New Zealand Law Society may hold itself bound to abstain from any intervention.

I append to this letter a copy of the original letter addressed by Mr. Singer to the Council of the Auckland District Law Society. I have slightly altered one part of that letter to render it suitable for reprint with this correspondence.

I am sending to the Council of each District Law Society, and also to their Honours the Judges, a copy of this letter and its enclosures.

I have, &c.,

F. H. D. BELL.