

*Judgment of the Lords of the Judicial Committee of the Privy Council, on the Appeal of Edwin George Jellicoe v. The Wellington District Law Society, from the Supreme Court of New Zealand (Wellington District); delivered Friday, July 27th 1900.*

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Present :

LORD MACNAGHTEN.

LORD DAVEY.

LORD ROBERTSON.

LORD LINDLEY.

SIR RICHARD COUCH.

[*Delivered by Lord Macnaghten.*]

THEIR Lordships in this case have listened to a very able and a very temperate appeal by Mr. Lawson Walton and Mr. Hollams on behalf of Mr. Jellicoe, but they are unable to see their way to advise Her Majesty to recall the sentence pronounced upon him by the Judges in New Zealand. That the affidavit which Mr. Jellicoe put upon the file was improperly put there cannot be contested; that a certain measure of punishment was rightly imposed upon him is not disputed; but it is said that the additional punishment which is the subject of this appeal was too severe, and that Mr. Jellicoe ought not to have been suspended from the practice of his profession for three months. The learned Judges thought, and there is certainly some ground for the inference, that the affidavit in question was placed on the file with the object and intention of inflicting a personal insult on Mr. Justice Edwards. The Court ordered that affidavit to be taken off the file, and ordered Mr. Jellicoe to pay costs. Then an application was made by the Law Society

to strike Mr. Jellicoe off the Rolls or to suspend him from practice. Mr. Jellicoe was heard in person in opposition to that motion, and in support of a motion on his own behalf. All the four learned Judges who heard Mr. Jellicoe's argument came to the conclusion that he had availed himself of the opportunity to inflict a series of studied insults upon Mr. Justice Edwards. It is impossible for their Lordships not to give credit to the view which all the learned Judges expressed; it is impossible to dis sever Mr. Jellicoe's conduct in that argument, from his conduct in filing the affidavit. Their Lordships must look at the matter as a whole, and they do not think it would be right, in a case which to a large extent is one within the discretion of the Judges, to interfere with the measure of punishment they thought necessary in order to maintain the dignity of the Courts in New Zealand. It was said that Mr. Jellicoe will always be under a stigma unless this sentence is reversed. There is, however, no imputation on Mr. Jellicoe's conduct, except that he allowed himself to be carried away possibly by zeal for his client, possibly by his own feelings, when in the very difficult position of counsel on his own behalf, and so made charges and insinuations which he ought not to have made, and which called for an ample apology or adequate punishment. But there is no dishonesty or fraud or anything of that sort imputed to him, or anything which will prevent his practising hereafter, and practising with success in his profession.

Their Lordships will therefore humbly advise Her Majesty that this Appeal should be dismissed.

The Appellant must pay the costs of the Appeal.