

Charles Towsey of Henley upon Thames in the County of Wexford Gentleman

Mary Harriet Sparks

M. B. Moorhouse

TOWSEY TALES

NAME: Edward Francis Ward, junior

BIRTH DETAILS: 1855 Melbourne

DEATH DETAILS: 22 Dec. 1894 Dunedin

CHART REF: Towsey Chart B5

MARRIAGE DETAILS: 19 Dec. 1877 Inch Clutha, NZ

SPOUSE: Magdalene Janet (Jessie) Anderson

Edward Francis Ward, junior, became a lawyer, like his father. He seems to have been investing in land, as shown by the case below, from 1880, when he was 25 years old and living in Gisborne, on the North Island of New Zealand.

From reading this report, we can deduce that for the transfer of this land to have been legal, the sale would have to have been approved by a Frauds Commissioner. It seems that such approval was required in order to prevent Maori lands being taken by slick white conmen.

There might be other reasons, but what is obvious, is that E F Ward junior, did not get that approval and forged the signature of the commissioner himself. This conclusion is reinforced by the fact that the defence flatly refused to produce the document, so that the signature could be checked.

GISBORNE, MARCH 4.
Edward Francis Ward, junr., solicitor, was charged this morning with forging the name of the late W. K. Nesbitt, Frauds Commissioner, to a deed of Matawhero to B block. This was the deed which the plaintiffs refused to produce before the Supreme Court in the case of M'Farlane and Rees, lately tried in Wellington.

Intense interest is manifested in the hearing of the charge against E. F. Ward, junr., solicitor, who is now being charged in the Resident Magistrate's Court, upon the information of Ripera Kaputai "that he did on or about the 23rd January, 1879, unlawfully and feloniously forge the signature of William Kerr Nesbitt, Frauds Commissioner, to a certificate under the Frauds Prevention Act, to a deed of conveyance of the interest of Rota Waipawa and Hone Nitoi in the Matawhera B block." Messrs E. F. Ward, senr., Rogan, and Brassey appeared for accused; W. L. Rees and Joshua Cuff for the prosecution. Council for the prosecution has closed his opening address. In reply to the Bench, accused's counsel declined to produce the deeds referred to. It is alleged that it was subsequent to Ward, junr., acquiring the Matawhera property that the signature of Nesbitt was affixed. The Court is now proceeding with the evidence.

GISBORNE, MARCH 5.
The case of forgery against Ward, junr., solicitor, was resumed this morning. During the whole day the Court was crowded. Mr Brassey, solicitor, emphatically refused to produce the deed of Matawhero's relative to which the forgery was alleged, notwithstanding that legal notice to do so had been served. Mr Rees produced a certified copy of the deed. Rota Waipara and Ripera Rahuta gave evidence, showing that during Nesbitt's lifetime as Frauds Commissioner he had refused to certify to the alteration of interest referred to in the accusation upon various grounds, among others that the consideration was contrary to law. The evidence of Captain Tucker, the next witness, showed that for a long time, and up to Nesbitt's death, he had acted as his confidential secretary and had interpreted the memorandum-book of 1876, the year in which the deed in question purported to bear the signature of the Frauds Commissioner. He had no record of the fact that it had been signed by Nesbitt early in 1879, and afterwards bought the property from Read's trustees. He had seen the deed in Ward's possession. This was two years after Nesbitt's death. The deed was then without Nesbitt's signature. It was only some time after the property had been purchased by Ward that witness learned that the deed had been certified to by Nesbitt. The case was adjourned until to-morrow, when Skipworth (interpreter in Read's estate) and Charles Magar (until lately in Ward's employ) will be called to give evidence for the prosecution. The charges against Ward and Cooper for conspiracy in relation to the oil-springs block, and the charge of perjury against the latter, are adjourned to the 22nd inst.

GISBORNE, MARCH 6.
In the Ward forgery case Captain M'Ker has been under cross-examination the whole afternoon, but his evidence was unshaken. He swore that long after Nesbitt's death the Matawhero block had been certified to in Nesbitt's name as Frauds Commissioner. Ward had asked him to go into partnership with him in the Matawhero block, but witness refused, as the title was bad, owing to the deed being uncertified. This was in January, 1879. In February, about three months after Ward purchased, witness discovered that the deed was alleged to be signed by Nesbitt. Immediately he discovered this, witness went to Ward's office and insisted on a perusal of the deed. This was within a month after the deed had been forwarded to Napier for registration. The cross-examination related mainly to the record-books of the Frauds Commissioner. Archdeacon Williams, trustee in Reid's estate, was in attendance all day to be called as a witness. There are three more witnesses, and the case will last over Monday. Great public interest is taken in the case.

THE GISBORNE FORGERY CASE.
ACQUITTAL OF WARD.
[FROM OUR OWN CORRESPONDENT.]
GISBORNE, THIS DAY.
The case against E. F. Ward, jun., for forgery, was dismissed, the Magistrate stating that in his opinion and that of an eminent judge, a committal should only take place on the evidence of witnesses entitled to ordinary credence. In this case he dismissed the charge. During the proceedings Rees, the counsel for the prosecution, was threatened to be committed for contempt of Court unless he desisted from his style of conducting the case. The prosecution is looked upon by the public as vexatious, and done to annoy Ward. Mr. Brassey appeared for the defendant.
Gisborne, New Zealand
March 1880

E F Ward junior had a team of three lawyers, including his father, who was probably a friend of, or at least acquainted with the judge, through his years working in the Supreme Court.

What is even more astonishing, is that on dismissing the charge, the judge threatened the prosecutor with contempt of court for bringing what he in effect said was a malicious prosecution.

Well, maybe he was. Maybe E ff Ward junior was indeed an upstanding member of society being pursued by a prosecutor with some personal grievance, but then, just how squeaky clean was E ff Ward junior?

Just five month before this case, Edward junior had been committed for trial at the Supreme Court, along with five others, one of whom was a JP, for "riotously taking possession of premises".

It seems that a house, the owner of which was not stated, had been taken by a bailiff for the non-payment of a very large debt; probably about half the value of the house. Edward Ward and the JP offered the bailiff a drink of whisky that was laced with some drug, causing the bailiff to run off, suffering from violent diarrhoea. Whilst he was away, Ward and his friends boarded up the house and when the bailiff returned with two men to try to retake possession, Edward Ward turned up with nine men. A scuffle ensued, during which the bailiff was pushed to the ground and one of his men was hit with a stick.

I have not found any record of that case ever getting to court.

Gisborne, New Zealand 1880s - One Horse Town



It seems that quite a lot of the legal work conducted by E ff Ward junior in Gisborne, involved the purchase of parcels of land being sold by Maori owners. These were lands that had been allocated to the Maoris by treaties, but which were, nevertheless, allowed to be sold by them.

One such case, in October 1881, is of particular interest.

The deed to a particularly valuable parcel of land had been signed over by the Maori owner, named Ereatara, to two men named Johnson. It was then determined that Ereatara had been a minor at the time that he signed, rendering the sale invalid. As soon as Ereatara reached his majority, a Mr. D.J.McKay "proceeded to work and obtained, for a

Poverty Bay Herald, Gisborne, 7 Oct.1881

The exciting race to Napier, in connection with the registration of the two deeds of Ereatara's interest in the Arai Block, was the subject of general conversation yesterday and to-day. We are informed that Mr. A. Pritchard, the bearer of Mr. Johnson's deed, arrived in Napier first, at 7.30 o'clock this morning. He had two fresh mounts on the way, and accomplished the distance, which is variously reckoned from 150 to 170 miles in 19½ hours, which is generally conceded to be the best time on record for the journey. Mr. Cecil Ward was not far astern in the chase having arrived in Napier at 8.50a.m. Starting from Gisborne at 10 a.m., he soon arrived at Te Arai, where a fresh horse was in readiness at Mr. D. McKay's. From thence he pro-

ceeded to Wairoa, arriving there at 6 p.m. Leaving here at 8 30 p.m., he arrived at Mohaka at 11, and at Napier at 8.50. On the part of both it is a feat which will bear remembrance, and exhibits considerable skill in horsemanship, besides a great amount of endurance. They both watched the office-door of the Land Registrar before the hour of opening. When, punctually to time, the Registrar attended the office, both deeds were presented and simultaneously received for registration. We are informed that the Registrar intimated that he would await further instructions before placing either deed on the registry. On the other hand it has been stated to us that the Registrar decided in favor of Mr. D. McKay's deed. This is an *ex parte* statement and is given as such.

consideration, his signature to a deed conveying this land to him, thus becoming in a manner the second purchaser. After the native signed the deed to Mr. D.J.McKay, he relented the act, and as we understand tendered the deposit back. His inclination to honesty or some other motive led him to confirm his original signature to the conveyance to Messrs. Johnson. Thus there were two deeds before the court conveying the same interest to different parties.”

It could be that this Mr. D.J.McKay was a member of our Mackay family, but I could find no evidence either way.

The rightful ownership of this land was a knotty point for the judge to settle and after a full investigation, he seems to have decided that the case was beyond his ability and gave his certificate to both deeds, allowing for the case to be settled in another court.

Ten o'clock on the morning of 6th October, 1881, was the time set for the signing of the two certificates. Once this was done, it was then a matter of getting down the coast to Napier, to the Land Registrar's Office, to have the certificates registered. Whoever got there first, would presumably become the owner of the land.

“Mr. Edward Ward representing McKay and Mr. Nolan acting on behalf of Messrs. Johnson,

attended at Mr. Price's (the Trust Commissioner) office for the purpose of obtaining his signature. Mr. Randall Johnson was in waiting outside. His deed was the first signed, and no sooner was this done than it was handed to him, and he speedily conveyed it to a horseman, Mr. A. Pritchard, who was mounted, booted and spurred, for the journey. A moment after McKay's deed was signed, and in like manner was given to Mr. Cecil Ward.” (E ff Ward's younger brother, then aged 18).

“The first had about five minutes start but the latter gave hot chase. The journey is fully a distance of 150 miles, fresh mounts being ready at different stages, and as both are good and experienced riders, it is difficult to say who shall arrive at the destination first. It is hazarded that Mr. A. Prichard will win the race.”

“There is much speculation on this event, bets being freely offered by both sides.”

As we see in the newspaper report, upon receiving the two deeds from the two sweaty hands, the registrar wisely decided to await further instructions before registering either deed.

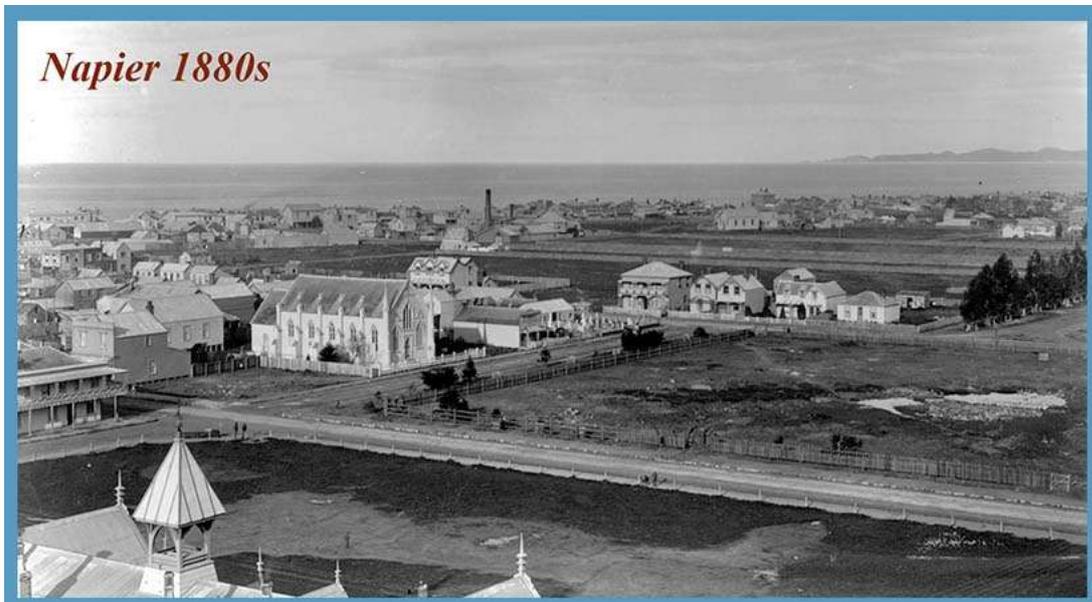
Just to remind ourselves of the cavalier approach of E ff Ward junior to the law; -

In 1883, there was an action in the Supreme Court by a “Native” to recover £120 from E ff Ward junior. The judge found in favour of Ward, but refused to give costs, possibly indicating that he was not happy with Ward's behaviour in the matter.

In 1884, a house owned by Edward Ward's wife, burnt down under mysterious circumstances. The place was unoccupied at the time and two witnesses said that they had seen one of the rooms covered in spilt kerosene before the fire. The house was well insured.

Also by 1884, we see that Edward's other brother, Egerton, had joined the family law firm in Gisborne.

We know that Egerton was both well educated and a gentleman of strong moral principles, but this did not stop him from being caught up in the slick but dangerous world of his brother, Edward, as he skirted along the edges of the law, as the case shown below, from July 1884, demonstrates. You can read about Egerton Ward's life in his own Towsey Tale.



I HAVE this day admitted my Brother
Mr **CECIL WARD**, into Co-Partnership
in my business.
The practice will be carried on as heretofore under the name of “E. ff. Ward.”
Dated at Gisborne, this 16th day of April,
1885.
EDWARD FRAS. WARD, JUN.
C. C. WARD.

On 14th March, 1885, it was stated that "Mr Cecil Ward has recovered sufficiently from his late serious illness to be able to leave for Wellington yesterday to be admitted as a barrister and solicitor. It will be remembered that he passed his examination some months ago."

It is rather poignant that Edward Ward admitted his brother, Cecil as a partner in his business in April, 1885.

ASSAULTING A SHERIFF'S OFFICER.

Mr E. ff. WARD, solicitor, and Mr Egerton Ward, clerk, were charged at the R.M. Court to-day, before Mr J. Booth, R.M., upon the evidence of Mr G. L. Greenwood, Sheriff of the Supreme Court, with obstructing Mr L. G. Direy, a peace officer, in the execution of his duty.

Mr Rees prosecuted. Mr Brassey defended Mr E. ff. Ward, and Mr Watson Mr Egerton Ward.

A long argument took place between Mr Brassey and Mr Rees as to the term "peace officer." Mr Brassey submitted that Mr Direy was not a "peace officer," as stated in the information, and therefore the information could not be gone on with. Mr Rees contended that even, if such was the case the Magistrate must commit, because Mr Direy was appointed by the Sheriff, and had been obstructed in the execution of his duty. The Sheriff could have taken out a writ of attachment had he chosen. His Worship said he was inclined to agree with Mr Brassey's argument, but thought the evidence could be taken, and a writ of attachment applied for, as mentioned by Mr Rees. The charge was a serious one, but he did not see how he could go on, on the information before him.

The following evidence was then taken:

G. L. Greenwood deposed he was Registrar of the Supreme Court. He received a writ as Sheriff. He took steps to exercise the writ, and made out the warrant authorizing L. G. Direy, his bailiff, to serve it. He gave authority to Mr Direy. Saw Mr Direy after and from his statement he (witness) had laid the information. Remembered when the money was paid. Mr Nolan told him on the 25th that the matter had been settled. His information had nothing to do with the warrant, only as to the impeding of his officer.

L. G. Direy deposed: Received from Mr G. L. Greenwood the warrant produced. In execution of the writ he went to Mr Ward's office on the 21st July, and enquired whether Mr Ward was in. Was told that he was, and went into his private room. Told him what he had come for, and in order to avoid any scandal he proposed to put Mr Crosswell in charge. Mr Ward called for his brother, Mr Egerton Ward, and told him to put witness out. Mr Egerton Ward did put him out. He produced the warrant to Mr Ward, but he was put out. He remonstrated with Mr Ward. Mr E. ff. Ward continued to urge his brother to put him out. Witness resisted being put out. Witness was sitting down in a chair, when Mr Egerton Ward caught him by the arm and pulled him out of his chair. Witness offered what he thought sufficient resistance. Witness thought that Mr Ward, being a lawyer, knew what he was doing, and that he had been ejected on some law point. Mr E. ff. Ward was present when his brother had ejected witness.

To Mr Brassey: He was not bruised, nor wore his clothes torn. Mr Ward sent down the next morning and offered to put him in possession again. Witness then re-entered. He had not been sworn in as bailiff.

Mr Rees said, after hearing the evidence of Mr Direy, he would apply that the information be amended from a "Peace officer" to "Sheriff's officer."

Mr Brassey submitted that the amendment could not be made, as it would be a new charge altogether.

His Worship said he would reserve his decision until 2 p.m.

THE BENCH'S DECISION.

His Worship said, in looking at the arguments of counsel on both sides, and at the information before him, he did not see how the case could go on. The information stated that L. G. Direy was a "Peace Officer," whereas he had stated upon oath that he was not a sworn officer. If the information had been amended to "Sheriff's Officer," he (Mr Booth) did not see that it would have helped them any further, as he would not have been a sworn Sheriff's Officer. His Worship said he would, therefore, dismiss the case, and would recommend that either a fresh information be laid, or the matter be referred to the Supreme Court Judge.

July 1884

Very general regret was felt throughout the town to-day when it became known that Mr Cecil W. Ward, brother of Mr E. ff. Ward, solicitor, had died. The cause of death was consumption, from which he had been suffering for the past twelve months. Mr Ward was only 22 years of age. He had been admitted as a barrister and solicitor about three months ago at Wellington, and joined his brother in business in this town.

Poverty Bay Herald, 8th Aug. 1885

finally ran out on 7th March, 1887.

The new office in Napier, to be managed by Mr. Creswell, had been open for all of half an hour, when news reached him, that a huge fire had raged through a part of Gisborne, destroying many buildings, including the office of Ward and Creswell. Irreplaceable documents and deeds, as well as a substantial library of law books that had been locked in the strongroom, had been destroyed.

On 11th March, Edward Ward filed a declaration of insolvency. At an official meeting of his creditors, on March 24th, it was agreed that he would pay his debts at the rate of 2s 6d in the pound. For those not familiar with the old money, that means that he had assets to cover one eighth of his debts. The rest of those debts would be written off, allowing him to rebuild his business.

The inventory of his liabilities, his recoverable assets and which of those assets were in fact held in trust for others indicates that Edward's wife, Madeline held substantial assets of her own and it could well be that these assets were the result of Edward receiving payments for some of his services, in his wife's name. This is a common way of

Could they have known that he was terminally ill? Probably. But then, people do tend to live in hope.

Despite his various dodgy dealings, a group of the leading citizens of Gisborne, put Edward forward as a candidate for Councillor in January 1886. There is no record of him having won the election.

After the death of his brother, Edward went into partnership with Joseph Creswell, who had been his clerk, and they decided to expand their business by opening another office down in Napier.

Edward Francis Ward junior's luck

protecting assets against claims by creditors, in the event of bankruptcy. There is one record of Edward having received, as part payment for his services, a piece of land being transferred into his wife's name.

It appears that the pressure of his financial worries was having a negative effect on his health. On April 13th, 1887, Edward had a fit (probably an epileptic fit), in the street at 11 o'clock in the morning. He was taken home and subsequently missed a meeting of fifteen of his creditors that had been set for that afternoon.

In June 1888, Edward Ward's creditors sought to have him declared bankrupt, as he had not paid the promised 2s 6d in the pound.

During this time, we see that Edward was doing quite a bit of travelling about, mainly looking for new opportunities, particularly in oil and mineral exploration, in various parts of the Antipodean colonies.

All of this pressure was obviously having a constant negative effect on Edward's health, which was certainly not helped by drug abuse:-

Three weeks later, Mrs.E.ff.Ward sold all of the household furniture at auction, presumably having left Edward and probably moving back to Dunedin.

On February 27th, 1891, Edward appeared in the Gisborne Supreme Court regarding a complex case of fees owing by an ex client. The judge was not happy with a part of Edward's evidence and, rather than being able to talk his way around the law, as he might have done previously, he ended up being warned by the judge that as a lawyer with his years of experience, he should know better and that he was in danger of contempt.

A week later, Edward went to Perth briefly, probably seeking work.

To add to his woes, in September 1891, the Supreme Court in Napier ruled that the assignment of two pieces of land of 100 and 150 acres, by E ff Ward, in 1885 and 1888, had been fraudulent and ordered the transactions to be cancelled.

In 1892, Edward's wife, Madeline, sued a woman to whom she had sold a lot of her furniture. The woman, Mrs.Day had made an initial part payment, then somehow Edward had managed to get his hands on the balance.

Madeline Ward's argument was that Edward had no right to get the money, as she was acting in her own right. Edward at that time, had moved over to Tasmania, where we see him practicing law in Hobart. He had also been trying to gain an interest in a lucrative Tasmanian silver mine.

Other records show that he had many such interests over the years, including in the search for oil.

By December, 1894, Edward Francis Ward junior, was living back in Dunedin, when he died suddenly from a heart attack at just 39 years of age. Madeline lived for 74 years, dying in 1925. He left four children, aged between sixteen and nine years of age, all of whom lived long enough to marry and continue the Ward family. The youngest of these four children, had been born just two months after the death of Edward's brother, Cecil. She was named Cecile.

MESSRS
GRAHAM, PITT, & BENNETT
Are instructed by the Trustees of MRS E. ff.
WARD to Sell at their Auction Mart,
Gisborne, on THURSDAY, the 27th inst,
at 11 o'clock in the forenoon—
A VALUABLE ASSORTMENT OF
FURNITURE AND HOUSEHOLD
GOODS, comprising—Piano, Dining,
Drawing, and Bedroom Suites, etc.
Inspection invited from Tuesday Next to
date of Sale.
TERMS—Approved Bills for £20 and over
bearing 8 per cent.
23rd February 1890