

On the 25th of May, I received a notice from the office of Messrs. M'Donald & Russell, Solicitors, of Invercargill, not to take any further proceedings under the writ of *fi. fa.*, and also a telegram with the name of "Robt. Chapman" appended (true copies of which are herewith attached marked A and B), but I did not then receive any authentic document under the seal of the Supreme Court or one sent me officially from the Supreme Court Office, bearing any evidence of their coming from the Court, or sent to me officially by any officer thereof. Having taken Counsels' opinion regarding the authenticity of these two documents, I was advised to proceed with the sale, as they could not be regarded as having equal force as the "Writ of *fi. fa.*" under the seal of the Supreme Court, on which I had been commanded to act, and was then acting, and had issued my warrant; and that until some equally authentic document from the Supreme Court was placed in my hands, I ought to consider the writ to be in full force. The plaintiff being aware of these facts still desired me to sell. On the morning of the sale, 27th of May, on my arrival at the Bluff, where the greater portion of the Railway plant was, I found that the Provincial Government, notwithstanding their engagement with me, not to interfere with my officers—without any previous notice, and in direct breach of their undertaking not to raise any technical or legal objection to my undisturbed actual possession—had taken forcible possession of the whole of the property, guarding the shed in which the Engines were kept, and placed a man in each railway carriage, they also had a great number of men backed by mounted and foot constables, to prevent my re-seizing, obstructing and intimidating my officers in the performance of their duty, and inciting them to a breach of the peace. Mr. Watt, Resident Magistrate at the Bluff, was at the head of this body of men, and he informed me that he was prepared to use force if I attempted to re-take possession. He also stated that he claimed the property on the part of the General Government, but on demanding it he could show no authority for so doing. Every endeavour was also made by that gentleman to obstruct the sale, he having engaged a great number of children and also a bell-man to create a noise during the whole time my officer was selling, who was then served with a notice that if he sold it would be at his peril. I informed Mr. Watt, and also Mr. Stuart, the Provincial Treasurer, who was also present, that if they were armed with and could show me any authentic document under the seal of the Supreme Court directing me to stay proceedings, that I would immediately stop the sale.

The sale of the remainder of the railway property at the Moko-moko, on the 29th of May, was conducted in the same manner. The Provincial Government having a large body of men and also police, unlawful possession having been taken by them of all such property from my bailiff, and here they did more, having barricaded the jetty. Under these circumstances the property was of no real value, no one bidding except the plaintiff, who, under the conditions of sale, purchased at all risk to himself. The price realized at the Bluff was £292, and at the Moko-moko £146, being far more than its worth, considering the manner in which the property was guarded. I then declined to sell any more property of the Provincial Government, although desired to do so. The only property sold was the railway plant.

It was not until the 5th of June (seven days after the sales) that I received any tangible or authentic rule from the Supreme Court to stay proceedings, as will appear by the document attached, marked C, such rule, even then, not being for the Sheriff but for the plaintiffs, to show cause why the "Writ of *fi. fa.*" should not be set aside, &c.

I may here observe, that in carrying out the duties of my office, I have given the Provincial Government as little inconvenience as possible throughout the whole proceedings, and have dealt with them in such a manner as I should not have thought of doing with any private individual, and that so far from using the powers which the law gives me of re-taking possession of property which had been in violation of a written undertaking of the Provincial Government unlawfully rescued, leaving me liable to the plaintiff (as I still in law undoubtedly am), I did not condescend to any unseemly conduct by even a show of force, or by attempting to raise a *Posse Comitatus*, which would have produced a civil commotion, but acted with forbearance under very provoking conduct, contenting myself by simply selling, as the process I was bound to execute justified me in doing, leaving it to the operation of the law to decide hereafter as to the legality of the sale, if any such question should arise in the Court of which I am by law the responsible executive officer.

I would beg to observe with reference to that portion of your letter in which it is intimated that you are disposed to take a very grave view of my conduct in the case, that I feel satisfied such an impression can only be caused by reason of charges or representations made to you, should my surmise be correct, I trust you will furnish me with the substance of them, in order that I may be enabled to meet them, and test their veracity.

I think it also due to myself further to say, that I have never received or demanded one shilling more than the law allows me in the shape of fees, and as it has been insinuated that I had made some agreement with plaintiff about remuneration, I beg distinctly to state, that I never did so, and that I am to receive only what I am entitled to by law.

In conclusion I would beg to remark that when in December, 1864, the first "Writ of *fi. fa.*" was sent to me to execute, I did all in my power to assist the Provincial Government in the difficulties surrounding them, as will be best evinced by the following statement of the course I took, which ended by serious proceedings being taken in the Supreme Court to attach me, my only return for which has been anything but a friendly spirit evinced towards me by the Provincial Government.

In December last, after I took possession of the Provincial Government property, I received notice from Captain Elles, Colonial Sub-Treasurer, (copy annexed marked D), and a similar one from Dr. Menzies, the then Superintendent, informing me that the whole had been assigned to the General Government. I took a course which I believe I was not justified in doing, of calling upon