

that he knew "there was nothing in his objection." I was, therefore, fully justified in reprimanding him. I did not use the words he imputed to me, neither were they spoken in his absence, as he affirms.

Mr. Russell states that he "delayed making his complaint, as he knew the Justices had written for the Attorney-General's opinion, and whilst that was pending he refrained from writing." What truth can there be in such a statement, when the Justices in open Court publicly postponed giving their decision, on several occasions, in consequence of their not having received the Attorney-General's opinion; and their judgment was not given until the 12th of January, 1872, six weeks after the date of Mr. Russell's letter of complaint of the 21st November, 1871. I have reason to believe that the real cause of delay arose from his being engaged in endeavouring to solicit the sympathies of his profession, so as to bring an action against me in the Supreme Court; but in that he was unsuccessful. I am also informed that he was engaged for a long time in endeavouring to get up a petition, asking the Government to remove me from office; in that also he signally failed. Immediately after receiving my reprimand, he wrote a most scurrilous letter in the newspaper with reference to myself. If, from the circumstances I have stated, and what appears to me to be most unprofessional conduct, the language I used was stronger than necessary, it is to be regretted. The charges made against me by Mr. Russell are unworthy of notice. I may here remark that Mr. Russell's conduct is generally known to be very offensive. During a judicial experience of thirty-eight years in New Zealand and the neighbouring Colonies, I never heard of a Judge's conduct being investigated for reprimanding an attorney. It appears to me clear that if Judges and Magistrates are to have an inquiry made into their conduct upon the complaint of every unscrupulous person, the independence of the Bench must be destroyed, Judges and Magistrates will be afraid to perform their duty, and the due administration of justice must utterly fail. During the trial of the celebrated Eltham murder case, in which the Solicitor-General appeared on behalf of the prosecution, tried before the Lord Chief Justice, his Lordship is reported to have commented in no measured terms on the conduct of the prosecution, and declared it was the duty of counsel to assist the Bench; but it is nowhere intimated that the Attorney-General suggested that an inquiry should be held into his Lordship's conduct. Lord Brougham writes: "To secure the independence of the Judges, they should be only removable upon misconduct, proved to the satisfaction of some competent tribunal."

THOMAS BECKHAM.

### No. 13.

The Hon. W. GISBORNE to Mr. T. BECKHAM.

Colonial Secretary's Office (Judicial Branch),  
Wellington, 12th June, 1872.

SIR,—

With reference to certain complaints made to me by Mr. J. B. Russell, a solicitor, practising at Auckland, relative to your conduct towards him on certain occasions, and which complaints were communicated to you through Dr. Pollen, I have the honor to inform you of the conclusion which the Government, after long and anxious consideration, have arrived at on the matter.

The Government regret to think that, on the occasion referred to in Mr. Russell's letter of the 21st November last, the observations made by you, concerning Mr. Russell, in reference to a matter not before you, were not justifiable. However irritating may be the manner of those who conduct business before a judicial officer, it is his duty to control his feelings, and to avoid angry retort and offensive remarks.

It is with extreme reluctance that I feel bound to write to you this letter, for the Government recognize your long and valuable services, but they are unable to pass over what seems to them in this instance a well-grounded complaint.

Thos. Beckham, Esq., R.M., Auckland.

I have, &c.,  
W. GISBORNE.

### No. 14.

The Hon. W. GISBORNE to Mr. J. B. RUSSELL.

Colonial Secretary's Office (Judicial Branch),  
Wellington, 13th June, 1872.

SIR,—

With reference to certain complaints made by you to me relative to the conduct of Mr. Beckham, the Resident Magistrate, in his official capacity, I have the honor to inform you that the Government have, after such inquiry as they thought requisite, informed Mr. Beckham of their opinion that the observations made by him on the 14th day of November last, concerning yourself, in reference to a case not before him, were not justifiable.

J. B. Russell, Esq., Solicitor, Auckland.

I have, &c.,  
W. GISBORNE.

### No. 15.

Mr. J. B. RUSSELL to the Hon. the COLONIAL SECRETARY.

SIR,— Shortland Street, Auckland, 29th April, 1872.

I am again compelled to complain of the unjustifiable conduct of the Resident Magistrate at Auckland, Thomas Beckham, Esq.

On Friday, the 19th instant, upon his giving judgment in a matter which involved a release from two wholesale merchants and importers, I asked permission to appeal from his judgment, and was answered by an outburst of passion and invective, some slight idea of which may be gathered from the accompanying reports of the *Evening Star* and *Daily Southern Cross*, slips of which are herewith.