

The petitioner claims £2,000 for his commission on the conversion of £1,600,000, part of the loan, and every one who has looked into the case is of opinion that there is not a shadow of a doubt as to there being an absolute legal claim, but Sir Julius is prevented from prosecuting the Government owing to the time that has elapsed since the services were performed. There is no question but that he is undoubtedly and justly entitled to the amount he claims. He has been trying to settle the matter without going into Court; and now if he went into Court he would be met by the Crown Suits Act, and he would find that he was completely out of Court. He could not prefer a claim against the Government at all. In fact, although this money is absolutely legally due to him, he cannot, by reason of legal technicalities, obtain it. As to the other money for commission, he claims that if he is not absolutely legally entitled he is so both morally and equitably. As to this part of the case, I would ask the Committee to consider and recommend the payment of the money to Sir Julius. There is not the shadow of question that the £2,000 is due to him, but owing to the technical procedure under the Act he is prevented from prosecuting his claim. As a mere matter of justice, there cannot be any doubt about the claim he has preferred. It is for that reason I most earnestly ask the Committee if they will report in favour of the payment of a sum of money instead of the special legislation necessary to enable a suit to be prosecuted. I ask that they should consider his claim favourably, and report a recommendation that a certain sum of money be paid to him at once. There is an old adage which I humbly ask permission to repeat: "While the grass grows the steed starves." It is horribly true in this case, for by deferring legislation I am afraid that all I am asking may be rendered of no use at all. In continuation of his evidence the printed report says:—

140. You asked Sir Frederick Whitaker whether he did not consider you were entitled to commission on the amount of stock converted after you had ceased to be Agent-General: what would that amount to?—To the best of my belief, it was about £1,600,000. The commission would be about £2,000. To that would have to be added compensation for the Government not appointing me to the position which Sir John Hall said I should have, and which was one that, to use his words, was "an appointment which will, with the exercise of little labour, return, in all probability, a considerable income, and assist materially your position in London, whilst leaving you free to engage in any other business. From this point of view it is sure to be argued that this is not an unreasonable recognition of your services." In considering the compensation for the loss of that appointment I hope the Committee will take into account how great a slur was cast upon me in being omitted from an appointment which, of course, everybody expected I should hold. I am sure Sir Penrose Julian himself would not have said that his claim to the appointment was so great as mine. I am not putting myself in comparison with him on the merits.

141. *Mr. Allwright.*] Do we understand, then, your claim to be £6,250 and £2,000, or a total of £8,250?—Yes; £6,250, and two years' salary, such as Sir Penrose Julian received, about £700 or £800 a year.

142. *The Chairman.*] It would be for the convenience of the Committee if you put the claim in writing under the different heads?—I will do so. I wish the Committee to understand this: that, if they pay me for the conversion of the Five-million Loan, the agency of which Sir John Hall wrote that I should not receive, I have a further claim for not receiving the office after ceasing to be Agent-General, as promised by Sir John Hall; and I think the justice of the case would be met by adding to the £6,250 for conversion two years' salary, such as Sir Penrose Julian received. If I am denied commission on the Five-million Loan, then I consider this as the basis of my claim: First, commission on the amount converted after I ceased to be Agent-General; and, secondly, compensation for my not holding permanently the office which Sir John Hall pointed out to me I should hold: and in the elements of that compensation will have to be considered the advantages which he held that appointment would confer upon me; besides the very serious slur to me in being passed over when the appointment was made—not merely passed over, but gazetted out of the appointment, and not re-gazetted when the new appointments were made. From either point of view, in my opinion, £8,000 would be a moderate compensation to pay me."

There are many passages in the evidence I might read, but I do not want to weary the Committee. On page 19 will be found a portion of Sir Julius's evidence in which he deals with the matter more clearly than I could refer to it. The Committee have a copy of that evidence before them. The last portion is the evidence of one who, in financial matters, has occupied one of the very highest positions in the colony—one who was held in the highest estimation by every one who knew him—I mean the late Sir William Fitzherbert. His evidence is a strange testimony on his part, because it is most favourable to Sir Julius. He was as opposed to Sir Julius Vogel in politics in every shape as two men could possibly be. They were personally not intimate, although they were never unfriendly, and yet Sir William Fitzherbert gave evidence before the Committee in 1885 in Sir Julius's favour. I will not read the whole of it, but I ask members of the Committee to glance at it when coming to a decision. His opinion, I am sure, must bear great weight with every man who has known him and heard of him, and to all of us in New Zealand. His opinion is far stronger, far more favourable than anything I could possibly say. I sincerely trust the Committee will carefully read that evidence. He speaks most positively on the subject and says: "In respect of this the calculation I make is that Sir Julius Vogel is entitled undoubtedly to the same commission as Sir Penrose Julian and Mr. Ommanney received, less the amount he was paid, if anything, between the negotiation of the loan and his finally being relieved of office about eight months afterwards. I believe he is absolutely entitled to that."

*The Chairman:* What he means is the salary for services rendered.

*Mr. Vogel:* Yes; there were certain moneys which were charged against the Agency—it practically means the moneys paid as Agent-General's salary—and these payments Sir Julius wishes to be deducted. A certain amount should be named as payment to him as compensation for loss of the loan agency, or commission for floating the loan, or conversions, or as an honorarium—from any such sum the before-mentioned payments to be deducted. I would almost feel inclined to leave this evidence of Sir William Fitzherbert's with the Committee without culling therefrom another sentence, because, coming from such an authority, it is very strong and so much to the point. I can say very little more either in the way of influencing you, or of laying the matter more plainly before the Committee. I have been almost frightened at the responsibility I undertook in laying this case before you, because it is such a very important matter, and is such a vital matter to my father; but I wanted to explain the position, and I desire that the Committee should carefully consider it in all its bearings. There are two, or rather three, courses open to the Committee to adopt: They can recommend the payment of £7,000 or £8,000 to Sir Julius Vogel, made up as explained by the evidence I have read out, or they can recommend that legislative effect be given so as to