

Now, let me call your attention to these facts: Mr. Glasgow knew that the Cabinet had met to consider the matter on the 4th March, because he was at the meeting to undergo that fearful and wonderful cross-examination. He, at all events, should and must have known that the information could be laid on that day, because a note to the Crown Solicitor, or a telephonic message to his office, would have insured the information being laid before a Justice of the Peace at any time that afternoon or evening. Mr. Glasgow is a man who understands his business. He is not a man from whom you would expect or accept any "excuse of a flimsy description." Yet I told him I was in a difficulty, and (I am quoting your words) "you asked him whether he could not make some suggestion to get us out of this difficulty." The difficulty was that I had sent to the Court and found it closed.

Now, if Mr. Glasgow knew the information had to be laid on the 4th of March—and of course he knew that; if he knew it could be done by sending a note or telephonic message to the Crown Solicitor—and, not being a designing and sinister person, he will not say that *he* did not know that; if he knew we were in a difficulty, and, as you say, I asked him whether he could not make some suggestion to get us out of the difficulty, why did he not at once say, "Why not lay the information? That will get you out of the difficulty. It can be done at any time this afternoon or evening, before a Justice of the Peace"? Did he say, "Send a note or a telephonic message to the Crown Solicitor"? No. By no suggestion of any kind did he refer to any of these things. I told him we were in a difficulty, and after full consideration he sat down and wrote this memorandum: "If a substantial payment by way of fine were exacted the necessity for action at law might be averted. This would also save the department from the chance of defeat upon some technical point. I therefore propose that the sum of £200 be demanded as satisfaction for the offences referred to." I cannot say whether or not Mr. Glasgow was aware that the information could be laid at any hour of the evening before a Justice of the Peace. If he was aware, he did not say so. The simple explanation is that all this is pure afterthought. I know two simple things now: I now know that you can lay an information of this kind at any hour of the day or night before a Justice of the Peace, and I also now know that you can ascertain at what particular hour of the day any particular letter is posted at the post-office. During the hearing of my own case in Dunedin Mr. Bell and I marvelled at this last wonderful discovery; but when we had discovered it everybody wondered that we did not know it before. The simple explanation of Mr. Glasgow's recommendation is that I sent my private secretary, Mr. Smith, to ascertain whether the Court was open, and whether the information could be laid, we being under the impression that it must be laid at the Court. We found the Court was closed. I do not remember whether I told Mr. Glasgow that I had sent to the Court, and that it was closed, but I do remember that I told Mr. Glasgow, as you say, that we were in a difficulty, and I also remember that Mr. Glasgow did not say, as you with your wondrous judgment now say, it would have been the easiest and simplest thing in the world to send a note or a telephonic message to the Crown Solicitor, and the thing was done. These easy solutions only occur to great minds—after the event.

(M.) This paragraph contains your remarks upon what you term my unwilling acquiescence in the decisions of the Cabinet and the recommendations of the officers of the Customs Department upon the beer-duty prosecutions. Does it matter whether I acquiesced willingly or unwillingly? I acquiesced. That is sufficient. And here are my written instructions to the officers of the department to proceed.

"Department of Trade and Customs, Wellington,
"13th March, 1889.

"MR. GLASGOW,—

"I hope you will expedite the proceedings in the Junction Brewery cases. I am now desirous that these cases should be fully gone into. "GEO. FISHER."

That instruction covered all cases except the one case for non-entry of fifty sacks malt, which has furnished the subject for so much abuse and defamation.

I am quite aware that "the Staples's Brewery case is not one of the group of brewery cases of which the Junction Brewery forms one." Mr. McCarthy graciously did not insist that Staples's Brewery should be persecuted. He said he did not wish to punish Hamilton too severely, and he was not desirous that Staples should be at all harshly dealt with; but I will produce at least four people to whom Mr. McCarthy said that he would "have" the Junction Brewery, meaning that he would crush or destroy the Junction Brewery. The Customs papers and other evidence show in a most unmistakable manner that his energies were bent upon "having" the Junction Brewery, and I assure you, sir, he is greatly annoyed with you for not forfeiting the Junction Brewery plant after the convictions were obtained. He regards the present result as "much cry and little wool." Why you did not forfeit the plant I cannot understand, in the face of all the expressions you use in regard to that brewery in your letter to me of the 23rd April. I shall presently contrast those strong expressions with the unaccountably feeble action which followed their use. You say, "The Staples case never came before the Cabinet in any way, or before any Minister." That is exactly what I complain of. "The permanent officers were satisfied that there had been no fraud." A brewer defrauds the revenue to the amount of £49 5s. 6d. by neglecting to pay duty on seventy-three hogsheads of beer, the permanent officers accept payment of the duty, say nothing about it to anybody, and no prosecution is instituted. I hardly know how to characterize your criticism of these cases. I must again call your attention to these dates. The Junction Brewery is charged with not entering in their books fifty sacks of malt received on the 5th September. The lapsing of this case is the whole and sole ground that constitutes my offence, although the Junction Brewery, not wishing to escape payment of duty, sent a letter to the Premier on the 8th March offering to pay it, and the Premier refused to accept it. On the 21st September—sixteen days later—the permanent officers accept payment of £49 5s. 6d. for an offence committed by Staples's Brewery on the 13th September, and no prosecution is ordered. An offence is committed by the Junction Brewery on the 5th September which results in great commotion and disruption. A much more