1893.

NEW ZEALAND.

RESIGNATION OF GEORGE FISHER, ESQ., M.H.R.

OF THE

OFFICES OF COMMISSIONER OF TRADE AND CUSTOMS, MINISTER OF EDUCATION, AND EXECUTIVE COUNCILLOR

(CORRESPONDENCE RELATING TO THE).

(Copy of Paper Laid on the Table by the Hon. Sir H. A. Atkinson, 3rd July, 1889, and ordered to be Printed 16th August, 1893.)

DEAR MR. FISHER,— Wellington, 1st April, 1889.

After careful consideration of all the circumstances, as far as they are known to me, connected with the non-prosecution by you of the Junction Brewery for offences against the Beer Duties Act, and after full consultation with the other members of the Cabinet, I have, with deep regret, come to the conclusion that the Government cannot defend your action in Parliament. In those circumstances I feel sure you will see that there is but one course open to you. I trust you will believe me when I say that writing this letter is a most painful task to me. If you would prefer to resign upon the case as it now stands I shall be glad to meet your wishes and withdraw this letter.

Yours sincerely,
H. A. ATKINSON.

Office of Minister of Education, Wellington, 3rd April, 1889.

The Hon. the Premier.

ABSORPTION in departmental duties, and not discourtesy, has caused a day's delay in answering your letter to me of the 1st April.

I desire now to say that the question involved is one of such serious moment to me that I must ask to be allowed reasonable time within which to consider and decide upon the whole question.

GEO. FISHER.

DEAR MR. FISHER,— Wellington, 4th April, 1889.

I beg to acknowledge receipt of your note of the 3rd instant, and, as three days have now elapsed since you must have received my letter to which yours was a reply, I must request to be definitely informed what course you propose to take in the circumstances which have arisen. I beg to assure you that I have no desire to urge a hasty decision; but you will no doubt admit that the present position is one which ought not, constitutionally, to continue. I therefore hope to receive from you to-day such a reply as will render any further proceedings unnecessary.

Yours sincerely,
H. A. ATKINSON.

Office of Minister of Education, Wellington, 4th April, 1889.

The Hon. the Premier.

SHOULD any serious inconvenience result from my not hastily taking the step which you ask me hastily to take, I should indeed feel sorry.

But I am constrained to put it to you that there are grave constitutional issues involved in the question of my resignation.

Constitutional law and history are made up of constitutional precedent, and, in the interest of all Ministers who are to succeed me, I cannot consent to allow myself to be made the means of establishing a precedent which, becoming part of the history of Cabinets in this country, would henceforward destroy the freedom of thought and the independence of action of future Ministers.

My reply will be forwarded to you at the end of the present week.

Yours sincerely,
GEO. FISHER.

[Received Sunday Evening, 7th April, at 9.40 p.m.]

YOUR EXCELLENCY,— Wellington, 6th April, 1889.

I have the honour, for reasons which are fully set forth in a letter of even date herewith, which I have addressed to the Honourable the Premier, to tender to you my resignation of the offices I hold as Minister of Education, Commissioner of Customs, and Member of the Executive Council of the Colony.

As I treat the letter above referred to as a document of State, I venture to express the hope that it may be officially laid before your Excellency. I have, &c.,

GEO. FISHER.

His Excellency Sir James Prendergast,
Acting-Governor for the Colony of New Zealand.

The Hon. the Premier.

1. IT is far from my intention to avail myself of your suggestion that your letter of the 1st April may be withdrawn, inasmuch as, in my opinion, it is calculated to raise an entirely false issue.

2. To suggest that some trumpery brewery prosecutions can have created a Ministerial situation so serious as to necessitate the retirement of a member from the Ministry is the purest pretence.

3. There are other and very much greater reasons involved in the present case; but, before touching upon these reasons, I have to offer a protest against the unreasonable desire manifested in your letters to hasten my retirement from office. When a Minister's honour is impugned, perhaps the natural instinct would be to act impulsively and on the spur of the moment; and I should have placed my resignation in your hands at once upon the receipt of your letter of the 1st April but for two most important reasons, which demanded calm and grave consideration.

(1.) My Education Bill, to which I had devoted many months of care and thought, was then in the printer's hands, and I wished to see it finally completed. In justice to myself, as Minister of Education, I think I was entitled to this delay.

(2.) I had to regard the situation from a constitutional point, as affecting not only myself but all future Ministers.

4. I cannot agree that the Premier is to be regarded as the sole arbiter and dictator in questions of the nature involved in the present case. The future is all before us. The precedent of to-day becomes the precedent for all time. When, therefore, it is demanded of me in terms expressive of unusual and unreasonable haste that I shall retire upon a false issue, I feel entitled, not only on my own behalf, as a matter of justice, but also in the interests of all future Ministers in this colony, to demand that I shall have a sufficient time for reflection and consultation with my friends, to enable me to place on record what the true issues in the present case are, from my point of view.

5. Constitutionally speaking the position is a grave and serious one; and having in view the establishment of a precedent which will rule in future Cabinets, I feel bound to say that I cannot concede it to be the unquestioned right of a Premier to select a particular and subsidiary question, in which no point of policy is involved, upon which to demand the resignation of one of his colleagues. There must be equal rights in these matters, and equal freedom of speech and action, under a sense of responsibility to Parliament.

6. I have differed with the Cabinet upon many large questions of policy, but I have differed, as you yourself have frequently remarked, with great courtesy and forbearance. As one ought to do who has any true conception of the functions of Government, I have from the first regarded the Cabinet as an impersonal whole, from which all individual considerations should be rigidly excluded. No personal differences, therefore, have been of my creation; nor have any such differences in any way concerned or affected me in the discharge of my public duty.

7. The large questions upon which, at various times, I differed with the Cabinet were,—

(1.) The composition of the Railway Board, and the peculiar treatment of Mr Ree, the English expert;

(2.) The appointment of a Judge in succession to the late Mr Justice Johnston;

(3.) The proposed appointment of an Engineer-in-Chief;

(4.) The attitude of certain Ministers in the matter of Gasparini;

(5.) The attitude of certain Ministers in regard to the leasing of the Canterbury runs;

(6.) The necessity of proposing a modification of the property tax;

(7.) The Te Kooti expedition;

(8.) The public declarations by the Premier of his views on the questions of land-nationalisation and pauper farms.

8. If asked why I did not secede from a Government from which I differed upon so many and such large public questions, I answer—

(1.) That, as a unit in an impersonal whole, it is a Minister's duty to submit to the opinions of his colleagues where the point involved is not so serious as to justify his assuming the responsibility of breaking up the Ministry.

(2.) My most reliable political friends whom I consulted insisted that I should remain in the Cabinet as long as possible, and as far as possible to represent the views we hold in common.

9. Certain other members of the Cabinet have not been content to proceed upon these principles. I do not feel called upon to characterize their plan of procedure: it is sufficient for me to say that it has induced disruption.

10. Having now stated the public grounds upon which I consent to retire from the Ministry—for these differences upon large public questions form the real cause of my retirement—I proceed to make a few observations upon the subsidiary question, that of the beer-duty prosecutions in Wellington.

11. Let me state the facts. Upon my return to the colony from Victoria in December last, I received, at Riversdale, a telegram from a constituent asking me as Commissioner of Customs to stay proceedings in a prosecution which the telegram informed me had been instituted against Gilmer, a Wellington brewer. By telegram I asked Mr. McKellar, Secretary of Customs, to stay proceedings until my arrival at Wellington, I being then under the impression that only one brewery was being proceeded against. The Hon. Mr. Hislop, who was acting for me, wired that he thought the proceedings should go on; and I answered by telegraph, "Very well; let prosecution proceed." Immediately upon arrival in Wellington I saw Mr. H. D. Bell, Crown Solicitor, and asked him to explain the nature of the case. He then informed me, and I learned for the first time, that it was proposed to prosecute several breweries, which he named; but he said the case against Staples's brewery was only a small one, and he proposed not to go on with it. I instructed him then that if there were to be prosecutions they must be general and impartial, and that there must be no exceptions—the great and the small were to be prosecuted alike. In my own office on the same day (14th December) I gave the same direction to Mr. McKellar. Subsequently, as the result of a further conversation with Mr. Bell, he, by letter, instructed the Collector to take two cases as test-cases—Hamilton's and Edmonds'—these being the only cases in which informations had then been laid. I minuted my agreement with that direction upon the letter. The test-cases were tediously protracted before the Court. Hamilton's case occupied over two months. It resulted in conviction. The Edmonds case, which followed, resulted in dismissal. There was thus strong evidence of the uncertainty of the law. However, the test-cases being disposed of, the next point was how to deal with the Junction Brewery case, this being the only remaining case in which it was proposed by the Customs officers to institute proceedings. In the meantime, Mr. Gilmer, managing director of the Junction Brewery Company, had addressed a letter to the Commissioner of Customs, in which he placed himself unreservedly in the hands of the Commissioner, and offered to pay any penalty the Commissioner might impose, in addition to the payment of any amount which the Customs officials might find to be due for deficient duty. In the exercise of my powers as Commissioner I could have dealt with the case out of hand on my own responsibility, but I preferred not to deal with it myself. I asked the Customs officials in writing to state what had been the custom of the department in dealing with breweries where a deficiency of duty was discovered, and I was informed in writing that it had been the custom to require that the deficient duty should be made good by destroying stamps to the amount of the deficiency. So recently as the 21st September last, seventeen days subsequent to the date of the first information laid against the Junction Brewery, the Customs Department had accepted from Staples and Co. the sum of £49 5s. 6d. as payment for deficient duty on seventy-three hogsheads of beer not entered in the Customs book kept by them. No prosecution was instituted in that case, nor was the Commissioner of Customs consulted upon the matter in any way. Still, I thought it due to my colleagues that I should not act entirely upon my own responsibility in deciding upon the Junction case. I was anxiously awaiting the return of the Premier from Gisborne, where he was engaged upon the Te Kooti affair, to discuss the matter with him; and, when I found that he had crossed from Napier to Wanganui, instead of returning to Wellington, I convened a meeting of Cabinet specially to discuss the question. This was on the 4th March. It was of consequence that the matter should be considered on that day, because otherwise the period within which an information for one of the offences could be laid would expire by effluxion of time. I did not, however, regard that as a matter of very great seriousness, as I had officially in my possession Mr. Gilmer's letter indemnifying the Government, and undertaking to pay a penalty as great as any which a Magistrate could compel him to pay, even if a conviction were obtained: and I especially wish to point out that there is on the papers connected with the case a recommendation from Mr. Glasgow, Collector of Customs, to this effect: that, looking at the uncertainty of the law involved in Hamilton's conviction and Edmonds's dismissal, it was advisable that the Commissioner should deal with the case by fining the Junction Company £100 for the offence, and £100 for the deficient duty, making £200 in all.

12. I wished to convene the Cabinet meeting for an early hour in the day; but at the special request of the Hon. Mr. Fergus, who urged that he had to settle some pressing private business with his partner, Mr. Blair, who was leaving by the steamer for the South, the meeting was fixed for half-past two. At that hour I stated the case to Cabinet, the members present being the Hon. Mr. Hislop, the Hon. Mr. Richardson, the Hon. Mr. Fergus, and myself. It was then very fully discussed; and at the suggestion of the Hon. Mr. Hislop the very unusual, and to me discourteous, course of sending for a subordinate officer of my department, to cross-examine him on the facts as I had placed them before the Cabinet, was adopted. Mr. Glasgow was called into the Cabinet-room, and subjected to an extremely wearying and tedious cross-examination by the Hon. Mr. Hislop, which carried the time to over ten minutes past four o'clock, when it appeared to be the general opinion of the Cabinet members present that an information should be laid. I did not dissent from that course; but the prolonged cross-examination of Mr. Glasgow had made it impossible to lay an information on that day, as, when I sent Mr. Smith, my Private Secretary, to the Police Court to see whether the informations could be laid that afternoon, he returned with the information that it was too late, as the office of the Clerk of the Court closed at four o'clock. These two points—the Hon. Mr. Fergus delaying the time of meeting of Cabinet, and my sending hurriedly to see whether the information could be laid that afternoon—can be absolutely established if necessary. But it is important to remember that all the other cases against the same defendants are now before the Court, the Cabinet having decided that they should go on, and I myself having given the written instruction to proceed with them. Thus I have acquiesced in all the Cabinet has done in these cases.

13. Then, as to the Hamilton case, one of the test-cases already alluded to: During the whole course of the proceedings I made no inquiry about the case, nor did I deal with it at any stage. At its conclusion, and in reporting upon the petition for mitigation of penalty, Mr. Glasgow recom-

mended that the fine of £200 should be reduced to £100. This recommendation was entirely spontaneous; I had never communicated with Mr. Glasgow on the subject, verbally or in writing.

14. The recommendation to fine the Junction Brewery £100, in addition to the payment of duty, £100, was equally Mr. Glasgow's recommendation. But I wish it to be clearly understood that in neither of these cases do I desire to escape from my responsibility as Ministerial head of the department. Ministerially, I am aware that my adoption of Mr. Glasgow's recommendations rendered me responsible for them. I merely mention the matter in this form to show that I was acting in accordance with the views of the responsible officers of the department, and not thwarting them in any manner by ignoring or setting aside their recommendations.

15. And as with the responsible officers of the department, so with the Cabinet. The Cabinet decided that the penalty in Hamilton's case should not be mitigated. I acquiesced. The Cabinet ordered that Mr. Glasgow's recommendations in the Junction Brewery cases should be ignored, and the cases should proceed. I acquiesced, and the cases are now proceeding.

16. It appears to me unnecessary to say more upon this subsidiary question, which forms the basis of your request that I should resign my seat in your Ministry. As, however, you state as a reason for that demand that the Government feel that they cannot in Parliament defend my action in these matters, I ask you in what respect the voice of Parliament can legitimately be invoked in regard to these brewery prosecutions. I and the departmental officers have been overruled in what we considered the proper course of dealing with them. The whole of the cases have been, with my concurrence in the decision of Cabinet, referred to the doubtful decision of the law courts, and I submit that what took place in Cabinet on the question of whether these cases should be proceeded with in this manner cannot form a legitimate subject of parliamentary discussion if Ministers are loyal to each other. In fact, Parliament could know nothing of the details of the Cabinet procedure, and the only subject of discussion that could arise in the House would be that of the ultimate procedure which was resolved upon in opposition to my views, but in which I concurred in deference to the opinions of a majority of my colleagues. In this matter, therefore, I was not in the position of requiring the support of the Government to justify in Parliament any ministerial action on my part of questionable or doubtful propriety.

17. Upon the greater public questions to which I have above referred there were serious divergences of opinion. Confidently, I always looked to time to soften any asperity of feeling which these divergences might have engendered, and that we might continue to work together for the good of the colony as being in unison on so many other subjects: but this hope has been supplanted by a disappointment which is only equalled by the strength of my regret.

18. This I have to say in conclusion: that, though I have differed with the Cabinet on many large public questions, I am not conscious of ever having added to its difficulties internally or externally.

19. It is clear, however, that I cannot any longer act with the Government, and I therefore place my resignation in your hands, to be forwarded to his Excellency the Governor, but with this distinct understanding: that I did not admit that in any circumstances connected with the excise prosecutions in Wellington I have in any degree diverged from my strict line of duty in the position I occupied, or given you or the Cabinet any cause to complain of, or be dissatisfied with my action. It is not because I feel myself in any degree in fault, or on any personal grounds, although I might challenge your authority to address me as you have done in the name of the Cabinet as a whole, and might complain of matters so vitally affecting me being discussed in my absence and settled by a small majority of my fellow-Ministers; but because in the present position I feel convinced that I can no longer continue to act with you for the benefit of the colony, or in accordance with the views of a large number of members of the Legislature who have hitherto accorded their support to the Ministry, that I adopt this course, and retire from a position which I have for some time past felt was becoming a false one, considering the wide divergences of opinion developed amongst Ministers on questions of principle, and the strong personal differences which have arisen between certain members of the Cabinet, but in which, happily, I have not been concerned.

Wellington, 6th April, 1889. GEO. FISHER.

SIR,— Premier's Office, Wellington, 9th April, 1889.

I have the honour to inform you that I have received a communication from Mr. George Fisher, in which he professes to give an account of the circumstances that led to his resignation of the offices held by him in the Ministry, and amongst other things he gives an account of two interviews which he had with you in December last, upon his return from Melbourne, relative to the brewery prosecutions.

Mr. Fisher states: "Immediately upon arrival in Wellington I saw Mr. H. D. Bell, Crown "Solicitor, and asked him to explain the nature of the case. He then informed me, and I learned "for the first time, that it was proposed to prosecute several breweries, which he named; but he "said the case against Staples's brewery was only a small one and he proposed not to go on with "it. I instructed him then that if there were to be prosecutions they must be general and im-"partial, and that there must be no exceptions—the great and the small were to be prosecuted alike. "In my own office on the same day (14th December) I gave the same direction to Mr. McKellar. "Subsequently, as the result of a further conversation with Mr. Bell, he, by letter, instructed "the Collector to take two cases, as test-cases—Hamilton's and Edmonds's—these being the only "cases in which informations had been then laid. I minuted my agreement with that direction "upon the letter."

I shall be much obliged if you will be good enough to state precisely what did occur on the interviews in question, particularly whether Mr. Fisher instructed you that there must be no excep-

tion, but that the prosecutions must be general and impartial, and, if so, how it came to pass that, when Mr. Fisher wished all the breweries to be prosecuted alike, you recommended, apparently against his direction, that there should be a delay in the Junction Brewery case.

I have, &c.,

H. D. Bell, Esq., Crown Solicitor, Wellington. H. A. Atkinson.

Sir,— Wellington, 10th April, 1889.

I have the honour to acknowledge receipt of your letter of yesterday's date.

1. The first interview which took place between Mr. Fisher and myself was immediately after his return from Melbourne, and at my office. The subject of the interview was a then pending action against Mr. Fisher in his private capacity, in which I was acting as his solicitor. A reference was made to the beer-duty prosecutions, but Mr. Fisher is quite mistaken in supposing that he gave me any instructions of any kind. He is also mistaken in his recollection that I then told him that a case against Messrs. Staples's brewery had been discovered, but that it was a small one, which I did not intend to proceed with. I think Mr. Fisher did say that he would not care so long as all were dealt with alike. But it is quite impossible to suggest that the conversation between us could bear the interpretation of an instruction by the Commissioner of Customs to the Crown Solicitor. I am not at liberty to state the particulars of the conversation.

2. The second interview between Mr. Fisher and myself took place at my house on the night of the 17th December; and Mr. Fisher is correct in stating that, as the result of the conversation which then took place between us, I wrote the letter of the 18th December, recommending that no further informations should be laid until the cases against Hamilton and Edmonds had been disposed of. All that time it was supposed that those cases would be dealt with in the course of a week at most; but the engagements of the Magistrate and of counsel were afterwards found to be so constant on other matters, and the evidence was so protracted, that unexpected delays occurred. I think I am not at liberty to give the details of an interview which took place between Mr. Fisher and myself at my private house without Mr. Fisher's permission. I may say, however, that I informed Mr. Fisher (1) that, in my opinion, the Junction Brewery cases were the worst of the three then before us; (2) that in my opinion they must be prosecuted; but (3) that there was no reason why they should not be delayed until the others had been dealt with.

3. With regard to the last paragraph of your letter, I repeat that Mr. Fisher is mistaken in supposing that he ever gave me any instructions or directions at the first interview, and that my letter of the 18th December was, as Mr. Fisher states, the result of his second interview with me.

I have, &c.,

The Hon. the Premier, Wellington. H. D. Bell, Crown Solicitor.

Sir,— Premier's Office, Wellington, 11th April, 1889.

Being desirous of obtaining from Mr. Bell, the Crown Solicitor, some further information as to the instruction stated to have been given him by you, as mentioned in your memorandum to me dated 6th April instant, I addressed him a letter, a copy of which is enclosed, marked "A." To this I have received a reply, a copy of which is also enclosed, marked "B."

In the latter you will notice Mr. Bell says, in referring to conversations he had with you as to the pending prosecutions, "I think I am not at liberty to give the details of an interview which took place between Mr. Fisher and myself at my private house without Mr. Fisher's permission."

As there appears to be a conflict between Mr. Bell's statements and those made by you in the memorandum above quoted, and as I am sure you will be desirous that all the facts should be ascertained, I beg to request that you will as early as possible place Mr. Bell in a position to give me information as to the nature of the arguments used which induced Mr. Bell to instruct the Collector of Customs to take two cases as test-cases, and generally as to the instructions or suggestions made to him by you in connection with the brewery prosecutions.

I have, &c.,

George Fisher, Esq., M.H.R., Wellington. H. A. Atkinson.

Sir,— 12th April, 1889.

Your ungenerous treatment renders it impossible for me to hold any further communication with you upon any subject whatever.

The questions put in your letter of yesterday are questions which ought in all honesty to have been put to me at those Cabinet meetings from which I was by you unfairly and unjustly excluded, I being at the time a member of the Government, and having therefore every right to be present to protect myself against misrepresentation, and to defend myself if necessary.

This, you will see, is a reiteration of my complaint in my letter to you of the 6th April—namely, that questions so vitally affecting me should have been discussed upon in Cabinet in my absence.

As to any disputed question of veracity arising between Mr. Bell and myself, I may, should I think fit, discuss that matter with Mr. Bell.

I have, &c.,

Sir H. A. Atkinson, K.C.M.G. Geo. Fisher.

Sir,— Premier's Office, Wellington, 23rd April, 1889.

I have the honour to acknowledge the receipt, on Sunday, the 7th April, at 9.40 p.m., of your letter dated the 6th April. His Excellency the Administrator of the Government having

returned to Wellington, I have laid the whole correspondence regarding your resignation before him, including my proposed answer, and am now in a position to reply to you. For the sake of convenience, I have numbered the paragraphs of your letter, and in this reply shall refer to them by those numbers.

1. Requires no further reply than to say that I am quite satisfied to have my letter recorded.
2. Reply to this paragraph is included in the answer to paragraphs 10, 11, and 12.
3. With respect to your protest against what you term my unreasonable desire, as manifested in my letters, to hasten your retirement from office, I beg to say that such a charge betrays a complete misapprehension of my motives, and will be sufficiently met by a bare reference to dates. The difference between you and your late colleagues which formed the cause of your retirement arose out of the brewery prosecutions, with respect to which it was found that you had acted in direct opposition to the decision of the Cabinet held in my absence, and also in direct opposition to my own opinion, which you subsequently telegraphed for. These incidents occurred during the first week in March, and I can hardly see that I could have been blamed if, in face of such behaviour on your part, I had acted with greater promptitude. But it was not until the 1st April, three weeks later, that I wrote the first of the letters of which you complain. An unprejudiced critic would surely admit that this three weeks' delay gave you ample time for consideration. After receiving my letter you waited forty-eight hours before you gave me any reply, and then on the 3rd April you informed me that absorption in departmental duties and not want of courtesy had caused a day's delay in answering my letter. When I found that you considered it right to continue your departmental duties as Minister of Education, and that absorption in them was considered by you as a reasonable excuse for not taking my letter into consideration, I felt that your idea of the constitutional duties of a Minister occupying the position you then did with regard to me was so much at variance with mine that I had no alternative but to ask you for a definite reply by the Thursday night, especially as I had reason to think that you had in contemplation the possibility of taking no definite step for a week or ten days. On the 4th April you wrote, in reply to mine of the same date, informing me that you would give me a definite reply on Saturday, the 6th. I thereupon took no further step until the time which had been named by you had expired.

You then go on and refer to two most important reasons, which you give under sub-headings (1) and (2), which required most careful consideration before you took any action.

(1.) You state that your Education Bill, to which you had devoted many months of care and thought, was in the printer's hands; that you wished to see it finally completed, in justice to yourself as Minister of Education, and that therefore you thought you were entitled to this delay. I must remind you that you never asked for any delay on this ground, or hinted to me in any way that you were superintending the printing of this Bill, and I was quite unaware of the fact that the Bill was drafted until I saw a synopsis of it published in the *Evening Post*. This publication was a most irregular and unwarrantable proceeding on your part. The Bill was prepared by direction of the Cabinet, and, as I understand, entirely drafted by the Inspector-General; it was therefore your duty to have submitted it to me as Premier for the consideration of the Cabinet before you made it public in any way. Your further action upon this Bill was also most unusual. I am informed that the Bill was drafted by Mr. Habens when at Te Aroha; that it was enclosed in a registered envelope to the Education Department, and made an official record of that office; that the draft Bill was then forwarded to you; that you had it printed; that after obtaining a sufficient number of copies you gave a written order to the Printer to distribute the type, that you left not even one printed copy for the use of the office, and that you have not returned to the office the original manuscript of Mr. Habens, which is an official record. It would seem, therefore, that it was as Mr. Fisher you wished to get the Bill finished, and not as Minister of Education. I may add that the written order which you gave for the distribution of the type was not carried out, and the type is still standing.

(2.) With regard to your second sub-heading, relating to the constitutional view of the case, I will refer to that when dealing with the next two paragraphs.

4, and 5. In these paragraphs you suggest that it is more in the interests of future Cabinet Ministers than for your own sake that you have been so deliberate about acceding to my request. I am glad to be able to assure you that no precedent is violated or established by my recent action. There is no doubt that constitutionally the Premier possesses the right of at any time asking a colleague to resign, and of recommending the Crown to dismiss him if he refuses. At the same time it undoubtedly rests with the Crown to determine whether it will dismiss a Minister whom the Premier may have advised to be dismissed, or accept the resignation of the Premier. As a matter of fact, in this case, when I failed to receive your resignation as promised by Saturday night, I did advise His Excellency the Administrator to dismiss you on Monday morning from all your offices, and His Excellency signified his acceptance of my advice as to your dismissal. Upon receiving your resignation late on Sunday night, I recommended that your resignation should be accepted, and His Excellency was pleased to approve of that recommendation in place of the one for your dismissal. My reason for recommending His Excellency to dismiss you was that on Saturday I discovered that you had made, during the last few days you held office, such an extraordinary use of your ministerial position that I did not consider it right you should remain in a position that enabled you to deal with public records in an improper manner. I found that you had caused to be printed at the public expense for your own use the file of papers relating to the Junction Brewery prosecution, the file relating to Hamilton's case, and a selection from a file relating to Mr. Jackman. In each of these cases, not only were the papers printed, but also the official and ministerial minutes. You had two hundred and fifty copies of each file struck

off, and have taken them all away with you. I had hoped that this printing might have been done in preparation for Parliament; but this cannot have been the case, as you ordered the distribution of the type as soon as you had obtained the number of copies you required, and the type was distributed accordingly. All this was done secretly without the knowledge of any of your colleagues, and only became known to me accidentally; and since then I have seen that Mr. Skerrett, the counsel acting for Mr. Gilmer and against the Crown, cross-examined Mr. Jackman upon confidential matters which appear in those papers. This coincidence is singular and unfortunate, considering your friendship for Mr. Gilmer. After I discovered that you were printing official papers, with official and ministerial minutes, for your own use, and apparently for distribution, without my knowledge, I felt that it would be a public scandal for you to remain a day longer than could be helped a Minister of the Crown.

6 and 7. You give a list of eight subjects which you term the larger questions upon which you at various times have differed from the Cabinet. This is the first time I have had the slightest intimation from you that you had any serious difference with the Cabinet or myself upon any of these questions. It is quite true that in the Cabinet discussions upon each of these and other important questions you expressed your own personal views, as did all the other members of the Cabinet; but you apparently, after full discussion, willingly submitted to the decision of Cabinet, and have never given me the least intimation that you were dissatisfied with the decision arrived at. I will deal with these eight large questions seriatim.

(1.) I know that you were in favour of the appointment of an English expert, as were most of the Cabinet; but I understood you to willingly accept its decision, and you certainly never said a word to me of the objections you now state you felt, nor one single word about what you call the peculiar treatment of Mr. Ree; nor have I even now the slightest idea of what you mean.

(2.) It is true that you were in favour of the appointment of another gentleman than the one finally appointed as Judge, but after the appointment was made you never said anything to me at any time to make me think for a moment that you had not acquiesced in the decisions of the Cabinet, as an ordinary matter in which you were in a minority.

(3.) I had no idea until the receipt of your letter that you thought an Engineer-in-Chief should not be appointed. I thought we were all agreed that some such appointment was necessary. If this was your opinion, you have failed altogether in conveying it to me. If you mean by this paragraph that you differed from the Cabinet as to the person to be appointed, then your language is very unfortunate. As a matter of fact the question has been several times before Cabinet, but has always been postponed; and no final decision has even yet been come to.

(4.) and (5.) Here, as your own words show, your disagreement was with "certain Ministers," and not with the Cabinet.

(6.) I am at a loss to understand what you mean about differing from the Cabinet upon the necessity for proposing a modification of the property-tax, as the only discussion—and this was initiated by me—the Cabinet has had upon the question resulted in the decision that a modification of the tax was desirable in some particulars, and I undertook to have a Bill prepared to give effect to that decision. When you joined my Cabinet you never said a word as to your objection to the property-tax, nor as to any modification you desired, nor have you ever taken any opportunity to discuss with me the modification you thought necessary.

(7.) How you differed from the Cabinet in respect to the Te Kooti expedition I do not know. You informed me upon my return from Gisborne that you approved of the action I had taken, and that the resolution arrived at by Cabinet (to which I had referred an important point as to my action) met with your entire approval, and you took credit in talking to me for having supported my action throughout; and, as the Cabinet did the same, I fail to understand how you differed from the Cabinet on this question.

(8.) With regard to my public utterances: if you disapproved of anything that I said, I think that as a colleague you should have come to me and talked the matter over. You have never even hinted to me that you disapproved of any of my utterances. I am unable, of course, from this paragraph to gather on what points you differ from me. My declaration with regard to the land-nationalisation was simply the expression of an opinion. I am of opinion that the ownership of land in the not very near future will be national; but, although I hold this view, I have always said that I have no right in any way to force it upon the public; that I had, therefore, supported the policy of leaving the free choice of a title to the settler desiring the land, and that the policy of the Government was to give every one the free choice of the title which would suit him best in his own opinion, either freehold for cash, deferred payment, or perpetual leasehold, and that that was the system I intend to support; and that the Government had amended the Land Act of 1885 to give effect to that policy. With regard to what you term "pauper farms," I am of opinion that some such organization as that proposed by Mr. Mills has become absolutely necessary—that is to say, that the work of persons who are unable to support themselves can be better utilised upon land, than by stonebreaking in the towns, or upon roads or railways. When this matter was discussed in Cabinet and agreed to, and Mr. Hislop directed to prepare a Bill, you did not dissent, nor did you then or at any other time give any of us reason to believe that you differed from the conclusion thus arrived at. I think that upon such a question as this, if

you differed from me, it is not unreasonable on my part to have expected that, as a colleague, you would have discussed the question with me. But not one word upon the subject have you ever spoken to me.

8 and 9. The reply to these paragraphs is included in the answer to 17.

10, 11, 12. We now come to the real grounds upon which I was necessitated to ask you to retire from the Cabinet—namely, your conduct with respect to the brewery prosecutions. You speak of these as "trumpery," and as forming but "a subsidiary question," and indeed the whole object of your letter appears to be to minimise the importance of our differences in this respect, and to suggest that they were merely a pretext for removing a colleague whom we had found objectionable for other reasons. I therefore propose to tell you very plainly what my feeling is about this matter, and to explain why I consider it important; and in what I am going to say I know that I represent pretty accurately the opinions of all your late colleagues. In one sense, no doubt, the subject-matter is mean enough, and deserves all the disparaging epithets you heap upon it, but in another sense the real point at issue between us is of a gravity which it is impossible to exaggerate. For, though a series of brewers' frauds cannot in themselves be said to form any very heroic issue, it is quite clear that in the treatment of them questions of principle may arise of a very vital character. And this is exactly what has occurred in the present case. A series of gross, or, if you prefer it, "trumpery," frauds occurred, and it fell to you in your official character to bring the offenders to justice, or, rather, by your sanction to allow the law to take its usual course. Instead of doing so, you interfered in one case, and in one case only, with the course of justice, and this one offender you thus attempted to screen was not only the worst offender of them all, but also, as it turned out, a personal friend of your own. Neither I nor any other of your late colleagues could approve of such an action, and we here found ourselves differing from you on a question of principle, which by no stretch of language could be called "trumpery" or "subsidiary." We felt that it would be dishonourable to sanction what you had done, and that we could not continue to retain you as a colleague.

It will be better that I should give a narrative of this Junction Brewery case than that I should attempt to follow you through a very ingeniously constructed statement, which gives an entirely wrong impression of what really took place, and of the part you have played throughout. The facts are these: In the latter end of November certain irregularities were found to exist in the operations of Edmonds's, Hamilton's, and the Junction Breweries, and it was determined in your absence to prosecute them for evasion of the Beer Duty Act. Early in December you returned from Melbourne; and, when in Invercargill, on your way to Wellington, moved thereto by a telegram from a constituent in Wellington, you directed Mr. McKellar not to proceed with the prosecution of the Junction Brewery until your return. Mr. Hislop, who was Acting Commissioner of Customs, wired you very strongly on the subject. You then agreed, but not willingly, as your subsequent conduct shows, that the case should go on; but, before an information was laid you returned to Wellington, and had an interview with Mr. Bell, the Crown Solicitor, in which you say you instructed him "that if there were to be prosecutions they must be general and impartial, and that there must be no exception—the great and the small were to be prosecuted alike; and that on the same day you gave similar instructions to Mr. McKellar." After this you saw Mr. Hislop, and told him that the prosecutions were to go on; and he expressed his satisfaction. It is somewhat difficult to understand why you thought it necessary to impress upon Mr. Bell and Mr. McKellar the necessity of impartiality, as they were both anxious that all the cases should be treated alike, and wished to go on with the prosecutions at once, you alone amongst the officials having raised any difficulty to the immediate prosecution of all the offenders alike. But your good resolutions, of which you had assured Mr. Hislop, to allow the prosecution of the Junction Brewery at the same time with the others did not last long enough to permit an information to be laid. Before this was done you sought a second interview with Mr. Bell, and the result of that interview was that Mr. Bell recommended that the cases of Edmonds and Hamilton should be first determined before any informations should be laid against the Junction Brewery. You say that "I minuted my agreement with that direction upon the letter" of the Crown Solicitor; and the fair inference from your statement is that the recommendation came spontaneously from Mr. Bell, and that you acquiesced in it in consequence of its being the advice of the Crown Solicitor. It is very difficult to understand without further information why Mr. Bell made this recommendation, or why you acquiesced in it, when you were so very determined that everybody should be treated alike. And, in order to make the matter clear, I wrote Mr. Bell a letter (copy of which I have already sent you) asking him for particulars of the second interview that you had with him, and received in reply several facts quite at variance with your general statement in your letter to me about the first interview; but unfortunately Mr. Bell did not consider himself at liberty, without your permission, to give full particulars of the interviews, so as to clear up this mystery. I therefore wrote you requesting permission for Mr. Bell to give details, but you have refused to allow him to give them. I can, therefore, only come to the conclusion that something must have occurred at the last interview with Mr. Bell which you think it desirable to conceal; and I am borne out in this opinion by the fact that you stated to more than one Minister, in order to induce him to vote with you against allowing the Junction Brewery to be prosecuted, that you had practically pledged your word that no prosecutions should take place.

In these circumstances—that is, after the second interview with Mr. Bell, the particulars of which you are determined shall be kept secret—taking action against the Junction Brewery was postponed until Hamilton's case had been disposed of. Your conduct up to this point had undoubtedly produced an unpleasant feeling in the minds of several members of the Cabinet; but I had hoped that the whole difficulty would be got over by the prosecutions proceeding directly Hamilton's case was disposed of. Upon the conviction of Hamilton, about whose case I will say a few words presently, the Cabinet, myself, and the Acting Secretary of Trade and

Customs, were all anxious that the case should proceed; but, although the Crown Solicitor had told you that in his opinion the Junction Brewery cases were the worst of the three cases then before you, and must be prosecuted, you failed or neglected to take any action. On the 23rd February, Hamilton having been convicted, you informed Mr. Glasgow, the Acting Secretary of Customs, by minute, in reply to a written request by him to be allowed to proceed with the Junction Brewery prosecutions, that there was no need of precipitancy in the matter—that was within ten days of the time in which it would be possible to lay informations in the two clearest cases. Although subsequently warned by Mr. Glasgow that the time for laying the informations would expire on the 4th March, and requested by him to permit the prosecution to go on, you did nothing till Monday, the 4th March, which now appears to have been the last day on which the informations could have been laid on the two clear offences mentioned above. On that day, at 11.30 a.m., you handed Mr. Glasgow a letter from Mr. Gilmer, submitting himself to any fine you might impose, if only the case was not taken into Court. Armed with Mr. Gilmer's letter, you called a meeting of the Cabinet, on Monday, the 4th March, at 2.30 p.m.; and after a very full discussion with all the facts before it, and after an examination of Mr. Glasgow, the Cabinet came to the conclusion that the prosecution must be instituted. You telegraphed to me on the same day, asking my assent to your settling the case out of Court. I replied that the information should be laid and that upon my return the Cabinet could consider if the case should go on or be compromised. I am informed that at this meeting of the Cabinet you led it to believe that the last day for laying the information was the 5th March, and not the 4th, and you telegraphed to the same effect to me. It now appears that the 4th March was the last day upon which the information upon the two clearest cases against the brewery could be laid; and in the paragraphs now under reply you make it appear that the Cabinet knew that the 4th March was the last day for laying the information, and that it delayed so long in discussing the matter that you found, after the Cabinet rose, that it was impossible to lay the information, as the Resident Magistrate's Court was closed. I do not remark on the fact of wrong information being conveyed to the Cabinet and myself: possibly you were unaware at the time that the 4th March was the last day; but assuming this to be so, it is, to say the least, disingenuous that you should now pretend it was the Cabinet's delay that caused you not to lay the information. The excuse about the Resident Magistrate's office being closed is of the most flimsy description. Had you really desired the information should have been laid there would have been no difficulty whatever. A note to the Crown Solicitor after the rising of the Cabinet, or a telephonic message to his office, would have insured the information being laid that afternoon, and it could have been taken before any Justice of the Peace at any time. But I may ask how it was that, if you really desired to give effect to the views of the Cabinet, you did not warn the Cabinet of the shortness of the time at its disposal, and that you had not all the papers ready for any action that the Cabinet might decide was necessary. After the meeting of the Cabinet on the 4th March, at which it was decided the prosecution was to be instituted, Mr. Glasgow, in your room and presence, wrote a recommendation upon Mr. Gilmer's letter to the effect that, as there was always a possibility of the Government being defeated on a technical point of law, a fine of £200, including unpaid duty, should be imposed upon Mr. Gilmer; but this recommendation was made without the knowledge that the Cabinet had ordered the prosecutation of the Junction Brewery.

On the day following that upon which this recommendation of Mr. Glasgow's was made —that is, on the 5th March—you appended a minute to his recommendation to the effect that it was too severe, and that you thought a penalty of £50 in addition to any unpaid duty, or a total of £150, would meet the justice of the case. Both Mr. Glasgow's recommendation and your minute were written after the Cabinet had decided that the Junction Brewery was to be prosecuted. This fact was, of course, known to you, but unknown to Mr. Glasgow. On the same evening you telegraphed to me at Wanganui that Hamilton's case had resulted in the infliction of a fine of £100. This was not a fact, as I will show directly, but you wired it as an argument to induce me to allow you to settle Gilmer's case out of Court. In another telegram on the 5th March, referring to Gilmer's cases, you say: "Glas- "gow, in report of Hamilton's case, says £100 is highest penalty that can be imposed. Should "be glad if you could see your way to agree to impose this highest penalty without going "to Court. Penalty in addition to deficient duty, of course. I think that would be quite "exemplary. Kindly answer before leaving." This telegram was also very inaccurate and misleading. Mr. Glasgow had qualified his recommendation in Hamilton's case with the words, "If my "view is correct, I would recommend," &c. That there was great doubt, to say the least, of the correctness of this view is evident from the fact that Hamilton had been fined £250 and had not appealed, and that he had actually paid £200 into Court with your approval in satisfaction of the fine and forfeiture inflicted by the Magistrate. But even had Mr. Glasgow been right on this point, your telegram would have been highly misleading, because Hamilton was convicted of one class of offence—that of non-stamping—whereas the Junction Brewery was charged with two classes of offences—viz., failing to enter materials for making beer, as well as for not stamping beer before delivered; so that the maximum penalty in this case, even if Mr. Glasgow's view was correct, was £200, not £100 as you informed me. I might not unreasonably have expected that in such a telegram as the one just quoted you would have given me absolutely correct information, and that, when asking me to allow you to settle the matter without going into Court, you would have informed me that Cabinet, after full discussion, had, on the previous day, decided that the case was one that should be prosecuted. Your remembrance of what transpired between you and Mr. Fergus is not accurate. Mr. Fergus was in his office all the morning of Monday, the 4th March, and could have attended Cabinet. He saw you shortly before one o'clock on that day, on the question of the appointment of a Justice of the Peace, and told you that he could not attend a

Cabinet in the afternoon at 2.30, as he wished to see his late partner off by the steamer leaving at 3 o'clock. Subsequently the steamer was postponed, and, at your urgent request, he attended the Cabinet.

Your claim of acquiescing in the decisions of the Cabinet, and also of working in harmony with the officers of the department in this matter, I cannot admit for a moment. The officers of the department were throughout of opinion that the Junction Brewery should be prosecuted, and asked many times for your authority to lay informations; but, notwithstanding your declaration that all were to be treated alike, you persistently withheld your permission to prosecute the Junction Brewery. I have reason to know that no such recommendation as Mr. Glasgow made on the 4th March on Gilmer's letter would ever had been made had he then known the fact that Cabinet had decided the prosecution was to go on. As I have before said, he made that recommendation in your room without the knowledge that the prosecutions had been ordered, and upon your asking him whether he could not make some suggestion to get us out of this difficulty, or words to that effect. As for the action of Cabinet in this matter, it has been consistent throughout. It desired that all offenders should be treated alike, and it was not prepared to grant special exemption to your private friends. You successfully defeated the desire of the Cabinet for equal justice being meted out to all by delaying the prosecution until it was too late, in two perfectly clear cases against the Junction Brewery. Such acquiescence as you now claim in the action of the Cabinet was the acquiescence of a man who is compelled to do a thing against his will. You must have been well aware, because I told you myself, that the Cabinet was determined that this prosecution should go on.

The use you make of Staples's Brewery case is very misleading. One would think, from your statement, that it was in some way connected with the cases under consideration, or, at any rate, formed a precedent for dealing with them. The fact is that it has nothing whatever to do with the group of cases of which the Junction Brewery forms one. The irregularity in Staples's Brewery was discovered and disposed of in September, at the usual inspection of the Wellington breweries by the Collector of Customs and the official brewery expert. After careful inquiry the Collector was satisfied that the irregularity arose from the carelessness of the book-keeper and not from fraud, and he decided that if the duty on the beer which appeared short was paid, the justice of the case would be met. The matter was reported to the Secretary of Customs, and he approved of the action of the Collector, having satisfied himself that there was no fraud intended. The case never came before the Cabinet in any way, or before any Minister. You are inaccurate when you say Staples was let off without prosecution upon paying the duty found deficient seventeen days—that is, on the 21st September, 1888—after the first information was laid against the Junction Brewery, which you gave as the 4th September, 1888. No information was laid against the Junction Brewery till the 14th March, 1889; and it was not discovered before the end of the previous November—or about two months after Staples's case was disposed of—that the Junction Brewery had committed an offence on the 4th September, 1888. It must also be remembered that in Staples's case the permanent officers were satisfied that there had been no fraud committed; whereas in the Junction Brewery cases they were fully convinced that systematic fraud was being carried on. And the event has proved them right in the latter cases, for the Court has convicted the Junction Brewery, and imposed fines on Messrs. McArdle and Gilmer to the extent of £460 and costs. As four of these convictions were double convictions for the same offence, in accordance with what the Magistrate said he should have done, the total fines have been reduced to £360 and costs, of which the defendants have paid £240 and given ample security for the balance. The forfeiture has also been waived, and the defendants have expressed their satisfaction at the consideration and leniency shown them.

13, 14. And now for a few words as to Hamilton's case. The Resident Magistrate inflicted a total fine of £250 and costs, the conviction carrying the forfeiture of the brewery plant. There were five charges against Mr. Hamilton for not stamping the casks before delivery, and he was fined £50 upon each charge. Mr. Hamilton offered to pay £200, being all the money he was able to raise, in lieu of fine and forfeiture. You directed Mr. Glasgow to accept this offer, and the £200 was paid into Court. A petition was subsequently presented by Hamilton, praying for a further reduction of his fine. Upon this petition Mr. Glasgow put a long minute, ending with these words: "The suggestion at the end of the petition that the penalty should be remitted is, under the circumstances of the case, an extraordinary one. As to its mitigation, I have to state the view which I have arrived at after very careful consideration. The Act says that for each offence under section 29 the brewer shall forfeit his beer, utensils, &c., and be liable to a penalty of not less than £50 or more than £100. Five informations for not entering beer delivered were treated as separate offences. Now, the brewer could not be made to forfeit his beer, utensils, &c., five times. Therefore, I think there has really only been one offence under this section—that is, fraudulently neglecting to enter beer, and not making true and exact entry; and for this offence the penalty is forfeiture, or a fine of £50 to £100. If this view is correct, I would recommend the reduction of the penalty to £100, not because the defendant is deserving of consideration, but because there is reason to think that the highest penalty the Act allows for an offence under section 29 is £100." It is essential to notice here that Mr. Glasgow's recommendation that the fine should be reduced is expressly made conditional on the correctness of his law. It was clearly, therefore, your duty before acting upon such a conditional recommendation to have ascertained that the view of the law upon which it rested was correct. Yet you proceeded to act upon it without taking any such precautions. In spite of the fact that the decision of the Court had not been appealed against, you preferred to treat it as virtually overruled by a layman's hesitating opinion, and did not even think it worth while to take the Crown Solicitor's advice upon the point. This proceeding was in itself astonishing enough, but other circumstances attending it were more astonishing still.

As I have said, Mr. Hamilton had not appealed, but had paid £200 into Court in liquidation of the fine and forfeiture, and you had accepted that amount. This report of Mr. Glasgow's (an extract from which I have just given) was dated the 4th of March. I am informed that at the Cabinet

held on that afternoon you led the Cabinet to believe that Mr. Hamilton's fine was to be reduced to £100, in accordance with an agreement entered into between Mr. Bell and Mr. Jellicoe (Mr. Hamilton's solicitor). You also informed me, by telegram of the same date, that "Brewery prosecution against a man named Hamilton had resulted in an infliction of a penalty of £100." The object of the telegram was to induce me to agree to your compromising Gilmer's case upon the payment of £150, including £100 for unpaid duty. The actual fact, up to the time of your sending me that telegram in Hamilton's case, was that he paid £200 into Court: the further reduction of £100 was as yet only in your mind. It was impossible for me to judge by your telegram that you, without reference to me or your colleagues, intended to recommend the Governor to reduce the penalty to that amount. I replied, asking you to take no steps in Hamilton's case until my return; yet, notwithstanding this, on the 5th March you recommended the Governor to reduce the fine to £100. Fortunately the Governor only approved this recommendation provisionally, asking my opinion upon the subject, and, upon being informed that the Cabinet disapproved of the reduction, His Excellency was pleased to cancel his conditional approval. How you can have thought it honourable to have so misled me as to the facts of Hamilton's case, when using his case as an argument to induce me to consent to the non-prosecution of Gilmer, and the imposition of a small fine in lieu of prosecution, I am entirely at a loss to understand.

15. Here you take credit for also acquiescing in the decisions of the Cabinet. As I have already shown, you cannot be said in any true sense of the word to have acquiesced at all. You resisted to the utmost of your power, and were successful in two cases, in the prosecutions against the Junction Brewery; and it was only when I took the matter out of your hands that you acquiesced, as you call it, because you were unable further to resist. You are mistaken when you say that the Cabinet ordered that the recommendations made by Mr. Glasgow should be ignored. As I have already stated, Mr. Glasgow made the recommendation to which you refer, upon Mr. Gilmer's letter, after the Cabinet which directed the prosecution rose, and not before it sat, and in ignorance of its decision to prosecute Mr Gilmer.

16. In this paragraph you ask in what respect the voice of Parliament can be legitimately invoked in regard to these brewery prosecutions. I should have thought your experience would have made this question quite unnecessary; but, to remove any doubt in your mind, I may say that it would have been invoked in the usual way by some member of Parliament impeaching the conduct of the Government for showing favouritism in regard to the brewery prosecutions; and it must have come out upon inquiry, if not in debate, that you had from the beginning persistently determined to protect a personal and political friend, because he was your friend, from the consequences of fraudulent acts. Certainly it is not a matter that would have required any special action on the part of the Government to bring before the House, as you seem to suppose.

8, 9, 17, 18. I am treating these four paragraphs together, because they all deal with the general question of your alleged differences with your colleagues, and the increasing difficulty which you say you consequently felt in continuing to co-operate with us. If you had for some time past been troubled by this feeling—if the conviction had really been growing upon you that your position was gradually becoming a false one—we have all very serious cause of complaint against you. For never, either to me or to any other of your colleagues, did you mention a word about these difficulties; and, while allowing us all to suppose that you were still on friendly terms and in substantial agreement with us, you were showing your boasted loyalty to us by distrusting us in secret, and consulting political friends outside the Cabinet on matters about which the Premier should have been your first confidant. Avowed allegiance, secret distrust, relieved by an occasional consultation with "the man in the street"—this appears to be your ideal of Cabinet loyalty. Of course I am not denying that there were no differences of opinion between you and me, and between you and other members of the Cabinet, but what I say is that they were not more serious or more marked than the ordinary differences which inevitably arise between independent men who attempt to act together; and we were all of opinion that they had as they arose been amicably settled, and that the settlement had been cheerfully accepted by you. If we did not think with you that the "asperity of feeling" they had occasioned would be softened by time, it was because we were not aware that any such asperity had ever arisen. And certainly none of us had the slightest suspicion, nor did any word of yours give us any cause to suspect, that any of our differences were estranging you from us, or were making you feel that your position in the Cabinet was becoming in any sense a false one.

You are mistaken in supposing that any Cabinet meetings were held to consider your case in your absence. The only meeting of the Cabinet which took place in reference to this matter, from which you were absent, was one to consider whether the Junction Brewery was to be prosecuted or not, and you were not summoned to that because you had told me positively that you would not again meet Mr. Hislop in Cabinet upon the subject, and begged me to excuse your attendance.

19. Your last paragraph has been met by implication already; but a short recapitulation by way of conclusion will make my answer to it more complete.

The position you pretend to take up is this: On several important public questions you differed from the Cabinet or some of its members. These differences made you think of the advisability of resigning, but you retained office out of deference to the opinion of friends outside the Cabinet. The same differences also made your colleagues anxious to get rid of you; and at last they were glad to seize the pretext of a disagreement about some "trumpery" brewery prosecutions for turning you out of office. You were asked to resign accordingly, and complied, on the distinct understanding, however, that it was not on account of the brewery prosecutions, but because of the other differences referred to that you consented to retire.

To this my answer is as follows: We were not aware that you took a serious view of any of these so-called important differences until after you had been asked to resign for another reason. We had not taken such a view ourselves; and, if we had, it is absolutely ludicrous to suggest that

differences amicably settled in our favour can have made us anxious to get rid of you. We had never thought of your resignation as possible or desirable until your action about the brewery prosecutions. In that matter, trumpery as it was in one sense, we found that you differed from us on a question of vital importance. The course which you endeavoured to take, and which in spite of all our efforts you were partially successful in taking, seemed to us dishonourable. We could not approve of a colleague's attempt in his official capacity to save a personal friend from legal punishment for very gross and obvious frauds. The difference here was not one which admitted of compromise. As honest men we could not sanction such a course, nor could we think of retaining any longer such a colleague.

I cannot close without entering a strong protest against the course you have taken with respect to this correspondence, as both unconstitutional and highly disrespectful to his Excellency the Administrator of the Government. In your letter addressed to the Administrator tendering your resignation, you inform him that you have written me the letter now under reply—which you term a document of State—and request that it may be laid before His Excellency. As you were aware, the Administrator was then absent from Wellington; yet I find that you had one hundred copies of this letter printed at the Government Printing Office on Saturday, the day before you sent it to me; that the substance of it was published as a leader in the *Evening Post* of the 8th April, before it was possible for the Administrator to see it; and that, many days before it was possible for me to confer with His Excellency upon the subject, I am aware you distributed the printed copies in a promiscuous manner, and made the contents of the letter a matter of public property and of public comment. That you should have thought it honourable thus to deal with a document still under the seal of secrecy affords a strange comment upon your conception of the rights and duties of a Cabinet Minister.

I have, &c.,

George Fisher, Esq., M.H.R., Wellington. H. A. Atkinson.

Your Excellency,— 29th April, 1889.

. . In a letter from the Hon. the Premier, dated the 23rd April, but which reached me several days later, the delay probably being attributable to my own absence from town, there is contained this statement:—

"As a matter of fact in this case, when I failed to receive your resignation, as promised, by "Saturday night, I did advise His Excellency the Administrator to dismiss you on Monday morn- "ing from all your offices, and His Excellency signified his acceptance of my advice as to your "dismissal. Upon receiving your resignation late on Sunday night, I recommended that your "resignation should be accepted, and His Excellency was pleased to approve of the recommenda- "tion in place of the one for your dismissal."

This statement is so extraordinary, in the face of all the authorities bearing upon the subject of dismissal, that I am constrained to believe it to be involved in error. The latest authority on the subject of dismissal says,—

"It is settled now beyond dispute that the Sovereign is not to dismiss Ministers, or a Minister, "simply from personal inclination, or conviction, as until a very recent day it was the right and "the habit of English monarchs to do. The Sovereign now retains, in virtue of usage having almost "the force of constitutional law, the Ministers of whom the House of Commons approves."

The Hon. the Premier alleges the cause of your acceptance of his advice to dismiss me to be the failure to receive my resignation by Saturday night. The delay in sending was the delay of my private secretary, who was furnished with my draft of the letter of resignation at one o'clock on Saturday for the purpose of copying it; but surely that delay could not be a sufficiently good cause for sanctioning my dismissal.

I hope your Excellency will not think I make too bold in asking whether you will be good enough to say whether you did agree to my dismissal, and, if so, whether you consented upon the ground of the Premier's representation of my action in connection with the brewery cases, or, as the Hon. the Premier says, in the extract from his letter above quoted, because of the failure to receive my resignation on Saturday.

I have, &c.,

His Excellency Sir James Prendergast, Geo. Fisher.
Acting Governor for the Colony of New Zealand.

The Hon. the Premier.

In reply to your question as to the hour at which Mr. Fisher gave me the letter to write containing his resignation, I would state that it was just on one o'clock on Saturday, the 6th April. He asked me if I could get it finished that afternoon, and I replied that I would not leave it until it was finished; and I worked at the letter until 5.15, when it was completed.

I immediately went to his house with it, but he was not at home, and I left the letter there, stating that I would call again after tea. I went up again about 7.30, and drew his attention to the letter, but received no further directions. Late on the following evening (Sunday), after church, I was at his house, and he requested me to take the letter to your house and deliver it personally to you. I came straight to your house, and was not more than a few minutes on the way.

It certainly was not owing to any action on my part that the letter was not handed to you at an earlier hour.

3rd May, 1889. Amelius M. Smith.

Sir,— Premier's Office, Wellington, 2nd May, 1889.

I am directed by His Excellency the Administrator of the Government to reply to your letter of the 29th ultimo addressed to him.

In this letter you state that I give in my letter of the 23rd April, as the reason for advising the Administrator to dismiss you, that you failed to send in your resignation on the date promised. If you had read on to the end of paragraph 4–5, from which you have made a quotation, instead of stopping short at the very point where the information you required was given, you would have seen your question was unnecessary. The Administrator agreed to dismiss you from all your offices upon my advice for reasons assigned in my letter to you, my right to give such advice being supported by all the constitutional authorities and by common-sense.

The passage you quote from Mr. Justin McCarthy's "History of Our Times"—although I have never before heard him spoken of as an authority on constitutional law—is probably correct in its view of the constitutional position; but it is not applicable in the present instance, as there is no question of the direct action of the Crown. On the other hand, however, there is no doubt that the Crown would either accept the advice of a Prime Minister to dismiss a colleague for any reason which such Minister thought sufficient, or else relieve such Minister from his duty as its Adviser. In your case His Excellency the Administrator accepted the advice tendered him by the Prime Minister.

I have, &c.,

George Fisher, Esq., M.H.R., Wellington. H. A. Atkinson.

Wellington, 7th May, 1889.

Sir,— *Customs* v. *Hamilton.*

I am directed by Mr. Hamilton to inquire whether he is to understand from your recent communication that the late Commissioner of Customs was not entitled or warranted in informing me that the penalty inflicted herein was mitigated to £100. If you really intend to convey this, then I confess I am not a little astonished to find that in this colony the word of a Minister of the Crown cannot be taken on a matter over which he assumes to exercise jurisdiction. Moreover, I certainly understood from Mr. Bell, when it was arranged that £200 should be paid into Court, that no further claim would be made; and now I am informed by the Clerk of the Resident Magistrate's Court that he is instructed by the Justice Department to issue execution for £9 15s., the costs.

I feel sure that on your attention being directed to the matter it will receive your consideration.

I have, &c.,

The Hon. the Premier. E. G. Jellicoe.

Department of Trade and Customs, 8th May, 1889.

Sir,— *Customs* v. *Hamilton.*

I am directed by the Hon. the Premier to ask you to be so good as to state what recent communication from him is referred to in your letter of yesterday's date.

I have, &c.,

W. T. Glasgow,

E. G. Jellicoe, Esq., Wellington. (For Secretary.)

Wellington, 8th May, 1889.

Sir,— *Customs* v. *Hamilton.*

Unfortunately I have mislaid the letter Mr. Hamilton gave me; but it was a notification that the penalties in this matter had been reduced by £50, and that after I had been previously notified by the Commissioner that they had been mitigated to £100 in all. Probably you have a copy of the letter in question.

Yours obediently,

W. T. Glasgow, Esq., Secretary of Customs, Wellington. E. G. Jellicoe.

Dear Mr. Bell,— Department of Trade and Customs, 8th May, 1889.

Mr. Jellicoe, in a letter to the Hon. the Premier, states as follows:—

"Moreover, I certainly understood from Mr. Bell, when it was arranged that £200 should be "paid into Court, that no further claim would be made; and now I am informed by the Clerk of "the Resident Magistrate's Court that he is instructed by the Justice Department to issue execu-"tion for £9 15s., the costs."

The Premier wishes to know whether there was an understanding with you that the costs, as well as £50 of the penalty, should be remitted. Would you kindly reply hereon.

Yours very truly,

W. T. Glasgow,

H. D. Bell, Esq., Crown Solicitor. (For Secretary.)

Dear Mr. Glasgow,— Wellington, 8th May, 1889.

I have your letter of to-day. I made no arrangement of any kind with Mr. Jellicoe. Mr. Jellicoe told me that Hamilton would pay £200, and that that was all he could pay. I simply said I would forward his offer to you. I went over to your office and wrote a letter there (of which I have no copy), informing you of what Mr. Jellicoe had said.

I "understood" nothing about costs, because I did not happen to consider or mention the point. Mr. Jellicoe may have had it in his mind, but did not mention it. In speaking to me yesterday of the matter Mr. Jellicoe told me he was going to write protesting. I said to him, "I don't think either of us thought of the costs;" and I understood him to assent.

I can only repeat that there is not and never has been any "understanding" or "arrangement" of any kind; and that any remission of penalties, and the extent of such remission, depends on

what the Government thought fit to remit, and not on what passed between Mr. Jellicoe and myself.

You passed to me in Court a slip saying, as far as I can remember, that the penalty would be reduced to £200, and I think, but am not sure, that I passed the slip on in Court to Mr. Jellicoe. If I did not pass it on, I then and there read it to him.

It was upon that slip, and what was there written, that I suppose the £200 was paid in.

It is difficult to say what one would have done, speaking at this date, but I think that I should never have recommended a remission of the costs.

Yours truly,
H. D. Bell.

W. T. Glasgow, Esq., Customs Office, Government Buildings.

Sir,— Department of Trade and Customs, Wellington, 9th May, 1889.

Adverting to your letter of yesterday's date, I am directed by the Hon. the Premier to say that no record of the promises to which reference is made in your previous letter can be found, and that Mr. Fisher did not communicate it to any one in the department. The Premier would therefore be glad if you would give particulars stating when it was made, and whether verbally or otherwise.

I have, &c.,
W. T. Glasgow,
(For Secretary.)

E. G. Jellicoe, Esq., Wellington.

Sir,— Panama Street, Wellington, 18th May, 1889.

I enclose you copy of a letter which I find I wrote on the 1st March to Mr. Jellicoe, with regard to the remission of the penalties and forfeiture against Hamilton.

You will see that in this letter I do not refer to the costs. I was unaware, when I wrote you my last letter, that this letter had been written. It was written apparently by my direction, not signed by myself, but by my clerk on my behalf, but no doubt dictated by me to my shorthand writer.

I think it quite bears out what I have already said—viz., that the matter which was raised between Mr. Jellicoe and myself, and the communications which passed between him and me, such as they were, related only to the question of the penalty and forfeiture.

I have, &c.,
H. D. Bell,
Crown Solicitor.

The Secretary for Customs, Wellington.

(Enclosure.)

Panama Street, Wellington, 1st March, 1889.

Dear Sir,— *Customs* v. *Hamilton.*

I am directed by the Hon. the Commissioner of Customs to inform you that if Mr. Hamilton pays £200 he will advise His Excellency to remit the remaining penalties and the forfeiture involved in the conviction.

Please let me know at your earliest convenience when the £200 will be paid into Court.

Yours truly,
H. D. Bell,
(p. F.E.P.,)
Crown Solicitor.

E. G. Jellicoe, Esq., Wellington.

The Hon. the Premier, Wellington, 31st May, 1889.

On the 11th April—more than a month and a half past—in a letter addressed by you to the Wellington *Evening Post*, you informed the people of the colony that all the facts connected with my retirement from the Ministry should be made public as soon as possible. These were your words: "The Government desire that all the facts connected with Mr. Fisher's retirement should "be made public as soon as possible. The official correspondence upon the subject which is "necessary to elicit the facts fully has, however, not yet closed."

I am not, of course, in a position to say with whom, or with how many persons the correspondence was being conducted; but so far as concerns myself it was closed on the 12th April, when I informed you that your ungenerous conduct rendered it impossible for me to hold any further communication with you upon any subject.

My intention was to await the publication of your views, in accordance with your public statement that they should be published, and then to answer them publicly; but a change of tactics has resulted in the abandonment of your intention to make public your answer, and instead I have received from you a letter of an extraordinary character, dated 23rd April, 1889, which I am led to believe you decline to publish except under the protection of parliamentary privilege. That letter I now propose to answer by writing to you, as you have by your altered tactics debarred me from any other opportunity of refuting the statements it contains, or of explaining any of the circumstances to which it refers.

Before criticizing the letter, however, I desire to call attention not only to your change of tactics, but to your change of tone. This letter of the 23rd April charges me with deception and dishonour, and assails me generally in a wanton and unfeeling manner. The letter is really a very serious letter; but your correspondence, with all its seriousness, is somewhat comic. For example, the deception and dishonour which existed on the 23rd April, if they existed at all, must have existed

on the 1st April and the 4th April. Yet on the 1st April you do not charge me with deception and dishonour. I was then your "Dear Mr. Fisher." It is true you said you could not in Parliament defend my action in the brewery cases. I have already explained, in my letter of the 6th April, that it could not under any parliamentary formulary become necessary for you to do so; but you still addressed me in a very friendly and kindly way as "Yours sincerely;" and, as to the brewery question being really serious, so far as that was concerned, you wrote, "If you would prefer to "resign upon the case, as it now stands, I shall be glad to meet your wishes and withdraw this "letter." The brewery cases evidently did not at that date cause you any anguish or mental tumult. Clearly, at that time the dishonour arising out of these cases, not to put too fine a point upon it, was moonshine. The resignation was the thing desired. On the 4th April I am still "Dear Mr. Fisher," and you are still "Yours sincerely." In your letter of that date the resignation is still harped upon, but not a word is said about the brewery cases, or the many moral delinquencies which your vivid imagination now connects with them. As explained in my letter of the 6th April, I objected to your withdrawal of your letter of the 1st April, which asked me to resign. I did not wish to remain a member of the Ministry, but I did wish to place on record my reasons for resigning. I desired also to do certain other things, all of which I will satisfactorily explain; but, because I took upon myself to explain circumstantially in my letter of the 6th April the real reasons which led to my resignation, I am at once regarded by you as a misdemeanant of the first water. I am no longer "Dear Mr. Fisher;" you are no longer "Yours sincerely." Suddenly and stiffly I become "Sir;" equally frigidly you become my "obedient servant." And so we gravitate from the quip modest to the reply churlish.

Your letter of the 23rd April is composed of afterthought and side-issue, as I am about to show, for if the allegations contained in that letter are true, and if you entertained the opinions of my actions which in that letter you profess to entertain, why was not the letter written on the 1st April, not the 23rd? and if my acts were surrounded by so much deception and dishonour, why do you offer to withdraw your letter of the 1st April? Actions such as yours are utterly inconsistent and indefensible, as I think will be apparent to any unbiassed mind.

I now proceed to discuss your letter of the 23rd April. For convenience I have lettered its paragraphs (A), (B), (C), &c.

(A) refers to your having laid my letter and yours before His Excellency the Administrator.

(B) refers to the "Dear Mr. Fisher" period, already referred to above, and to "Yours sincerely."

(C) refers to the beer-duty cases which I have dealt with in paragraph (I).

(D.) This paragraph contains three important statements, with which I will deal in separate order:—

(1.) refers to your unreasonable desire to hasten my retirement from office. You complain that my charge under this head "betrays a complete misapprehension of my motives, which will be "sufficiently met by a bare reference to dates. These incidents [connected with the beer cases] "occurred during the first week in March, and I can hardly see that I could have been blamed if, "in the face of such behaviour on your part, I had acted with greater promptitude. But it was "not until the 1st of April, three weeks later, that I wrote the first of the letters of which you "complain. An unprejudiced critic would surely admit that the three weeks' delay gave you ample "time for consideration." I propose to submit a few facts for the consideration of the "unprejudiced critic" by firstly explaining in what way the three weeks were used. This is how they were used: The Cabinet meeting was held on the 4th March. You returned from Wanganui on the night of the 5th March. I saw you in your office on the morning of the 6th, and briefly touched upon the brewery question with you. You were naturally very busy, as great arrears of work awaited your arrival. In addition to being busy, you were also very pleasant with me, for you had not yet had time to become imbued with the prejudices of Messrs. Hislop and Fergus. On Thursday, the 7th March, a Cabinet meeting was convened to discuss the question of the Canterbury runs, at which meeting the Hon. Mr. Hislop assailed the Hon. Mr. Richardson in his usual unfeeling manner, the consequence of which was that the Hon. Mr. Richardson returned to you after the Cabinet meeting to say that he would no longer tolerate the offensive manner and the offensive language of the Hon. Mr. Hislop. On Friday, the 8th March, I saw you again in your room about the brewery cases, when you informed me that you had referred the papers to the Hon. Sir Frederick Whitaker and the Hon. Mr. Stevens for their opinion; the resident Ministers, you said, being divided, the Hon. Mr. Mitchelson and the Hon. Mr. Richardson being in my favour, and the Hon. Mr. Hislop and the Hon. Mr. Fergus being against me. I asked whether you would have any objection to my seeing the Hon. Sir Frederick Whitaker and the Hon. Mr. Stevens, as, in my opinion, the papers required explanation; and you said you had no objection. You at once wrote a telegram to the Hon. Sir Frederick Whitaker and the Hon. Mr. Stevens to this effect: "Express no opinion "on papers till you see Fisher." I knew also that at this time the Hon. Mr. Fergus and the Hon. Mr. Hislop had told you that either they or Mr. Fisher would have to leave the Ministry, and that the Hon. Mr. Hislop, having in Cabinet, in my absence, with his accustomed bitterness, discussed the cases, and the manner in which he chose to assume that I was affected by them, had had the unpardonable presumption to write a letter to the Hon. Mr. Stevens with the view of biassing his opinion upon the question submitted to him. That is to say, behind my back he wrote a letter to the person who was asked to pass judgment upon me. I ought to say that in this respect the conduct of the Hon. Mr. Hislop was not worse than that of other Ministers, who communicated privately with Sir Frederick Whitaker when he was asked to give an unbiassed opinion upon the case. On Sunday morning, the 10th March, I called upon you at your residence to explain my feelings regarding the conduct of the Hon. Mr. Fergus and the Hon. Mr. Hislop, and on that same day left for Christchurch to see the Hon. Mr. Stevens. I saw him on Monday, the 11th, and discussed the matter with him. I explain what I believe to be his view of the case in paragraph I.

I returned to Wellington on Tuesday, the 12th March. On Friday, the 15th, I left by train on my way to Auckland to see Sir Frederick Whitaker, in accordance with my understanding with you. I arrived there on the 20th. There were some unexpected delays. I discussed the question on several days (three, I think,) with Sir Frederick Whitaker, and left Auckland for Wellington on the 26th. On Wednesday, the 27th of March, the Hon. Mr. Stevens, the Hon. Mr. Fergus, and I arrived in New Plymouth, they going north, I going south; and on the night of Friday, the 29th, I arrived in Wellington. Saturday, the 30th, I devoted to my departmental duties. The Sabbath, I believe, is a day of rest. I received your letter asking me to resign on Monday, the 1st of April, so that one day after my arrival in Wellington, and literally at one day's notice, you wished to hustle me out of office. Now, the "unprejudiced critic," I am sure, will see that I had had a busy, a restless, and an anxious month. It is true, I might have saved myself all my pains, for it had been determined during my absence from Wellington, as I afterwards ascertained, that I should be forced to retire from the Ministry, and that, at the time the Hon. Mr. Stevens, the Hon. Mr. Fergus, and I crossed at New Plymouth, the Hon. Mr. Fergus was armed with authority to offer my portfolio to Mr. J. B. Whyte, in Auckland.

(2.) I concede that the brewery cases were the immediate cause of difference seized upon by some of my late colleagues to create a rupture in the Ministry, but I deny absolutely that it was the actual or real origin of the rupture. As I stated in my letter of the 6th April, I differed with the Cabinet upon eight large questions of public policy, but the real or active difference arose out of the peculiar influence exercised by a section of the Cabinet in regard to the appointments to the Railway Board, the appointment to the Supreme Court Bench, and to the proposed appointment of an Engineer-in-Chief. As to my acting in direct opposition to the Cabinet held in your absence on the 4th March, although I convened the meeting myself I did not regard it as a decisive Cabinet meeting. No resolution was proposed, none was passed, or formally put. The Hon. Mr. Richardson and I were ranged on one side, and the Hon. Mr. Hislop and the Hon. Mr. Fergus on the other. Mr. Richardson and I very much disapproved of Mr. Hislop's assumptions and presumptions, for he had previously, in your absence, treated us to many grandiloquent samples of his "precedence" as a Cabinet Minister, which always had the effect of exciting our mirth, as being extremely comic. But then you say I acted "in direct opposition to your own opinion, which I subsequently telegraphed for." You have evidently forgotten the facts. I understood one expression of the feeling of the Cabinet meeting to be that I should communicate with you (*vide* my telegram to you of the 4th March); but, as nobody knew in what part of the county you were, I asked the telegraph authorities to search for you until they discovered you. You were ultimately found at Wanganui, and my message was sent to you there at 7.40 p.m. In addition to sending that message, I also, being extremely anxious to discuss the whole subject with you, when I found the Court had closed, and that it was too late, therefore, as I thought, to lay the information, asked if you could make it convenient to attend at the instrument at the Wanganui Telegraph-office, so that I could speak to you from the instrument at the Wellington office. You agreed to do so, and 8 o'clock was the hour fixed upon for our meeting, when, to my sorrow and annoyance, I found that after attending at the office you refused to discuss the matter. Why? You refused to discuss what you now deem to be an important public question because, as you said, you had to keep a private appointment. This branch of the subject is further referred to in paragraph I.

(3.) You say, "When I found you considered it right to continue your departmental duties as "Minister of Education [after the 1st April] I felt that your idea of the constitutional duties of a "Minister was so much at variance with mine that I had no alternative but to ask for a definite reply "by Thursday night, especially as I had reason to think that you had in contemplation the possibility "of taking no definite step for a week or ten days." Again I have a word of explanation for the "unprejudiced critic." Had I been made aware that I had been allowed to go to Auckland on a fool's errand, that my forced retirement had already been determined upon in my absence, that the pretence that I was to be allowed to go to Auckland for an impartial hearing was a deception and a sham,—if instead of all these things I had remained in my office in Wellington, my departmental work would not have fallen into arrear, and I should have been in a position to retire on the 1st April, immediately on the receipt of your letter. But, as I have already explained, from the 10th to the 29th of March I was engaged upon what subsequently transpired to be an absolutely futile and needless expedition to the Hon. Mr. Stevens and the Hon. Sir Frederick Whitaker. The 30th March was Sunday, my departmental work had greatly accumulated, and it had not escaped my attention that in the Colony of New South Wales, when the last Parkes Administration went out of office, one of the greatest offences laid to the charge of some of Sir Henry Parkes's Ministers was that they had left their departmental work hopelessly in arrear—so much so that the public interests had greatly suffered. With this experience before me I determined to leave no departmental arrears which should either embarrass my successor or cause the public interest to suffer. The belief is not altogether groundless that, had I left any considerable arrears of work, that circumstance would have been trumped up into a further serious charge against me. You go on to say "you had reason to think that I had in contemplation the possibility of taking no definite steps "for a week or ten days." In one sense you had well-grounded reason for that belief. One of your colleagues, in conversation with me upon the subject of your letter of the 1st April, asking for my resignation, said he saw no reason why I should resign before the decision was given by the Court in the Junction Brewery cases (the decision was to be given on the 10th April), because if it was in my favour—that is to say, if convictions were obtained, the convictions would dispel the erroneous impression that had gone forth that the Junction Brewery had been allowed to escape, and in that way I should be fully acquitted in the public mind of any charge of having allowed the cases to lapse. As I have said, the impression in the minds of Ministers at one time, and in the minds of a great many other persons, was that through some act of mine the Junction Brewery had altogether escaped punishment. Had that been so the case would have indeed been serious. The

convictions now obtained prove the impression to be quite erroneous. You had "good reason to believe," as I have said, because I am aware that your colleague to whom I have just referred subsequently repeated to you the view of the matter which he had conveyed to me. There is no necessity, therefore, for any mysticism in regard to what you had "reason to think" upon this point. You will see, however, that I did not stand altogether alone in your Ministry. But I had not the least intention of remaining in office a week or ten days longer, for I was already aware of the alternative which had been put before you by the Hon. Mr. Hislop and the Hon. Mr. Fergus in regard to my retirement from the Ministry.

(E.) What I have said about my Education Bill is strictly accurate; but it is quite in accord with your habitual disparagement of other men's labours that you should speak in disparaging terms of my connection with this Bill. Good or bad, every provision, every idea contained in it is mine. I do not claim that all these provisions and ideas are original, for many of them are in operation in other countries, but they are included in the Bill as the result of careful observation of the operation of all existing educational systems, which observation was not perfected or matured until after my personal examination into the working of the Victorian and New South Wales systems. My own ideas being matured, as the result of much care and thought, I first gave, with great fullness, an outline of my proposals to Cabinet. I had at that time the whole groundwork of the Bill committed to paper. It would be as sensible and as honourable to charge Mr. Habens with retaining my material, which I placed in his hands for the purpose of drafting the Bill, as to charge me with retaining his draft manuscript. The charge, if charge it can be called, is positively childish. In clearing my tables on my retirement from office, Mr. Habens's manuscript was put by Mr. Smith into a packing-case, in which were placed all my other papers and books. Since the receipt of your letter the manuscript has been unearthed, and has been returned to the office. But, as you inform me with childish glee that the type of the Bill is not distributed, and that you can have printed as many copies of the Bill as you please, why do you hanker so after this particular manuscript? Do you hanker after the possession of Mr. Curnin's manuscript when he drafts your Bills? And should I be justified in saying that all the Bills drafted by Mr. Curnin were his, and not your Bills? And if by any chance Mr. Curnin's manuscript were mislaid, should I be allowed indulgence in the childish thought that you had abstracted it dishonestly, and bolted with it? Can puerility any further go? And as to an irregular publication of a synopsis of the Bill, I have some recollection of synopses of Bills having appeared many times before. I am informed that such a publication is not at all unusual. There are, I believe, instances on record where Sir Harry Atkinson has published a synopsis of a Bill to ascertain "how it would take" with the public. It was late in the day, certainly, for me to submit the Bill to Cabinet, for it was only sent to me from the printer on the 4th April, the synospis appeared in the *Evening Post* on the 5th, and I was virtually ministerially defunct on the 1st. How, under these circumstances, could I submit the Bill to Cabinet? Besides, I had not received any unprecedented amount of encouragement when previously I had described the groundwork of the Bill to Cabinet, for outside of yourself, who wished to see the Education Boards merged into the County Councils—a step to destroy the autonomy of the education system which I could not approve, as tending too much in the direction of your Hawera speech of 1884, in which you expressed the belief that a return to denominationalism was not improbable—the only other member of the Cabinet who took what may be termed a distinct interest in the subject was the Hon. Mr. Fergus, who said that the clauses relating to the promotion of technical education were "bosh." To be candid, I did not look for much educational inspiration in the direction of the Cabinet. I should indeed be sorry to pass away from this subject without expressing my warm admiration of Mr. Habens's labours in connection with the Bill, and generally of his services to the department and to the country. No man could be more able, more energetic, more whole-souled in the cause of education and in a ceaseless watchfulness in the interest of the public good.

(F.) It is indisputable that "constitutionally the Premier possesses the right of at any time "asking a colleague to resign, and of recommending the Crown to dismiss him if he refuses." But the Crown has a potent voice in such cases. I say again that in the interest of succeeding Ministers I was unquestionably very deliberate about acceding to your request that I should resign. I told you (*vide* my letter of the 3rd April) that the question involved was one of serious moment to me, and that I must have reasonable time to consider it. I told you again (4th April) when you were pressing very hard for my resignation—the hitherto unascertained and unascertainable mystery in regard to the pressure being now explained by the fact that the Hon. Mr. Fergus was on that very day offering my portfolio to Mr. J. B. Whyte, in Auckland—that "in the interests of all Ministers "who were to succeed me I could not consent to allow myself to be made the means of establish-"ing a precedent which, becoming part of the history of Cabinets in this country, would henceforward destroy the freedom of thought and the independence of action of future Ministers." On the 6th April my resignation, and the letter accompanying it, giving my reasons for resigning, were ready for delivery, but, owing to a delay of an unpremeditated nature, which I really thought unimportant, my resignation, as you correctly say, did not reach you until 9.40 on Sunday evening, the 7th. I had undertaken to send in my resignation "at the end of the week." Sunday is *dies non*. The resignation was in before the beginning of the next week. On Monday morning I received this letter:—

"Sir,— "Premier's Office, Wellington, 8th April, 1889.

"By direction of His Excellency the Administrator of the Government, I have the honour "to inform you that His Excellency has accepted your resignation of the offices held by you of "Minister of Education, Commissioner and Minister of Trade and Customs, and of Member of the "Executive Council. "I have, &c.,

"Geo. Fisher, Esq., M.H.R., Wellington." "H. A. Atkinson.

That is the formula usually observed on such occasions, and it is usually sufficient for all purposes. But in a subsequent letter—the letter of the 23rd April—it contained this statement: "As a "matter of fact, in this case, when I failed to receive your resignation, as promised, by Saturday "night, I did advise His Excellency the Administrator to dismiss you on Monday morning from all "your offices, and His Excellency signified his acceptance of my advice as to your dismissal. Upon "receiving your resignation late on Sunday night, I recommended that your resignation should be "accepted, and His Excellency was pleased to approve of that recommendation, in place of the one "for your dismissal."

This is a manifestation of that vindictive and domineering spirit which has become a recognised part of your character. It is a bombastic, a wanton attempt to wound, which no man of chivalrous feeling would resort to. The resignation, and its acceptance, would have satisfied any man of true manly spirit, but it was not enough for a man of the cast of character of Sir Harry Atkinson. You go on then to say, "My reason for recommending His Excellency to dismiss you was that on Saturday I discovered you had made, during the last few days you had held office, such an extraordinary "use of your Ministerial position that I did not consider it right you should remain in a position "which enabled you to deal with public records in an improper manner. I found you had caused "to be printed at the public expense for your own use the file of papers relating to the Junction "Brewery prosecution, the file relating to Hamilton's case, and a selection from a file relating to "Mr. Jackman. In each of these cases not only were the papers printed, but also the official and "Ministerial minutes."

The Ministerial minutes are my own Ministerial minutes.

As to the reasons above set out, I am led to believe that you knew nothing of the printing of the papers until Monday, the 8th. If that is so, the printing of these papers cannot have formed any part of the reasons for my dismissal put before His Excellency the Administrator by you on Sunday, the 7th. A demand from Parliament to be furnished with the reasons will, however, set at rest any question as to what the reasons actually were.

I welcome this opportunity of explaining all that is contained in the last-quoted paragraph from your letter. In the first place, my late experience of you taught me that in dealing with you I had to deal with a man who played with the button off his foil. Ask any unbiassed man to read the leading articles in the Wellington *Evening Press* of the 25th and 26th March, the information for which was supplied by a person not unconnected with the Government, and the leading articles in the *New Zealand Times* of the 27th and 28th March, of which newspaper you are the political director and inspirer, and then ask that man to give his impression of the nature of the case I should be called upon to answer. The articles teem with falsehood. I knew the case I should have to rebut, and I determined to provide for it. This was not a case governed by any ordinary rules of etiquette. I printed the papers, and they were printed, not for my own use, but for the use of Parliament, notwithstanding your expression of opinion to the contrary. They will be duly placed before Parliament. You say, "All this was done secretly, without the knowledge of any of your colleagues." Am I a child. I had been made aware of the existence of the intrigue against me, in which three members of the Cabinet were engaged, and I determined not to be caught all unprepared. I knew that you would have full access to the departmental papers in the case you intended to make against me; and do you think I am really such an innocent person as to be so neglectful of my own interests as to leave myself in the position of having to meet you with my hands tied behind my back? Armed with these papers, I shall meet you on equal terms. I put this general question: Is not every man entitled to the best available defence? These papers were necessary as a defence to the charge foreshadowed in your letter of the 1st April. As to Jackman, how fortunate that I have copies of the papers relating to him! The time for their usefulness was not long in coming. I was simply astounded upon reading his evidence, as published in the newspapers during the hearing of the Junction Brewery cases. How Mr. Skerrett got his information I do not know, nor do I care. Jackman's charge against Mr. Hill, Collector of Customs, Auckland, was well known to the police and to the Police Department, Mr. Hill having threatened to prosecute Jackman criminally, and the Police Department having, upon Mr. Hill's demand, made an investigation into the circumstances connected with the lamented death of Mrs. Hill. But I so disbelieved the newspaper reports of Jackman's evidence in the Junction Brewery cases—I could not possibly believe them to be correct—that I went to the Police Court to examine his depositions, when I found that on oath he had sworn to this statement:—

"I DID NOT MAKE A CHARGE AGAINST COLLECTOR OF MURDERING HIS WIFE, AND I DID NOT ASK "FOR CORONER'S INQUEST. I DID NOT MAKE ANY CHARGE AGAINST MR. HILL, COLLECTOR."

The following is the charge against Mr. Hill addressed by Jackman to the Secretary of Customs at Wellington:—

"SIR,— "Auckland, 21st July, 1888.

"I regret very much to have to state that I have found it to be my duty, as a citizen of "this colony, to request a Coroner's inquiry into the death of the late Mrs. Hill, the Collector's "wife, at Chamberlin's Island, last Tuesday. I may state that the officer in whom the inquiry is "placed said to me yesterday that if the facts so far as elicited justify further inquiry it will be "made, and he has, I believe, gone to Chamberlin's Island to-day. It seems almost beyond being "even probable that an inquiry could become necessary into the death of one whose natural protector "had for so many years held the position of Collector of Customs. In part explanation of this I "desire to state that the fact of Mr. Hill having held on to the position is not proof that he has "not deteriorated so as to have fallen below its requirements. "I have, &c.,

"To the Secretary and Inspector of Customs." "S. J. JACKMAN.

"P.S.—The particulars, as on other side are commonly reported, prove to be but too true as "to results: Mr. Hill took Mrs. Hill to Chamberlin's Island, and left her there knowing her to be

" with child. He knew at the time and all along that in the event of premature confinement there " was no assistance at hand. He knew that Mrs. Hill was subject to twins, and also early confine- " ment. Mr. Hill was warned by an eye-witness of her dangerous condition fourteen days before " her death; that it was time she was brought to town. That he went down to see her about a " week afterwards, but took no nurse or doctor—made no provision whatever—and returned to " town in the steam-launch, leaving her behind him on the island, and she died for want of help. " He then had the steam-launch at his disposal, and could have sent for her any day, he knowing " full well that death was staring her in the face, and that she had no assistance nor the means of " escape from the island. That Mr. Hill took her there and kept her there from alleged reasons of " being unable to support her in town, whereas he had an income of far more than sufficient to do " so. The policeman other than the detective who had the case in hand spoke of his conduct as that " only of an 'inhuman monster.' Surely it is a shocking occurrence, over which the City of Auck- " land will burn with grief and indignation when the details become public property, which will be " in a few days.—S. J. J."

The following is Mr. Hill's comment on Jackman's charge :—

" Sir,— " Customs, Auckland, 25th July, 1888.

" Referring to my telegram of 20th instant, stating that Mr. Jackman of this department " had preferred certain grave charges against me relating to the death of my wife: at the time of " writing it I was so upset that possibly I did not state the matter so fully as I otherwise should " have done. The facts of the case are these : On Friday morning on my arrival at the office, I " found Mr. Jackman, together Mr. D. McKellar, the Landing Surveyor, discussing certain " points connected with a prosecution under the Beer Duties Act at present in hand, when he " turned round to me and told me that he had considered it his duty to apply for a coronial investi- " gation as to the cause of Mrs. Hill's decease. Subsequently, upon calling upon the Superin- " tendent of Police, I was told by him that he had received a letter from the Coroner, written by " Mr. Jackman, charging me with most heartless if not inhuman conduct. I then asked Mr. " Broham if he would be good enough to place the matter in the hands of one of the detectives, in " order that it might be investigated to the fullest extent, as I was totally unconscious of being in " any way guilty of the charges brought against me. Mr. Broham complied with my request, and has " promised to forward copies of both the original letter and the detective's report to the Commis- " sioner of Police at Wellington. I have not seen these letters, but I have been altogether cleared " from any blame in the case. I should feel extremely obliged if you would apply to the Commis- " sioner of Police for the documents in question, in order that you may be in a position to judge of " my conduct. At the same time, I respectfully submit that it would be most objectionable to the " interest of the public service that Mr. Jackman should be retained under my survey, and I trust " that the Hon. the Commissioner of Customs will consider the advisability of removing him to " some other port. His charges have become a matter of notoriety here, and I have under con- " sideration the desirability of asking the Government's assistance in instituting criminal proceed- " ings in this matter. I presume that Mr. Jackman's presence will be necessary in the case " 'Hoffman *v.* Crown,' pending in the Supreme Court. I have just heard that Mr. Jackman has " himself written to you on this subject. " I have, &c.,

" The Secretary, H.M. Customs, Wellington." " Thomas Hill, Collector.

As a result of this charge these minutes were written in the Customs Department in Wellington :—

" Hon. Commissioner.

" In making these charges against the Collector, Mr Jackman must have had an extraordinary idea " of his duty as a citizen. I am anxious to acquit him of maliciousness, and really believe that he " did think it his duty; but a more cruel attack, at a time when Mr Hill was afflicted by the news " of the death of his wife, can hardly be conceived. That it was altogether uncalled-for is " abundantly shown in the police record above quoted, and I can only conclude that Mr. Jackman " was suffering from temporary aberration of mind. His continued presence at Auckland cannot " fail to be most galling to the Collector, and I am glad therefore that you have decided to include " him amongst the officers to leave under retrenchment proposals. Recommend that no action be " taken.—H. S. McKellar, Secretary and Inspector. 30/8/88."

" Minute by the Hon. the Commissioner.

" Dispense with Jackman at once. Give him leave of absence till the 10th proximo. Do any- " thing that will get him out of the service of the Government. His conduct is indefensible upon " any ground.—Geo. Fisher. 31/8/88."

Jackman, on oath, next swore to this statement :—

" It is not a fact that I made charges against the Crown Solicitor at Auckland."

The following is the charge against the Auckland Crown Solicitor addressed by Mr. Jackman to the Secretary of Customs at Wellington :—

" Sir,— " Auckland, 27th July, 1880.

" In support of my telegram of Wednesday, the 25th, I beg respectfully to request a public " inquiry into Mr. Williamson's conduct as Crown Prosecutor in the case of the Customs *versus* " Suiter. I do this in the interests of justice, and because it is necessary for the protection of " officers giving information. My accusation against Mr. Williamson is that he allowed the case to " be lost in consequence of his sympathy for the defendant, or else from culpable neglect and ignor- " ance of the facts of the case for which he is responsible. I shall ask that I may be allowed " counsel to assist me as, while I am sure of my grounds of complaint and of the accusation I make, " I cannot be expected to have the ability of argument which Mr. Williamson is supposed to have.

"In further support of my application for inquiry I beg to submit that it is a great injustice to the "officer who reported the irregularities of Mr. Suiter, and to Mr. Suiter himself, to lay a charge "of fraud which he now admits is without foundation, after examining the books on Wednesday, "the 25th, for five hours. Immediately after the judgment of the Court was given, and he was "aware I had reported him to Wellington, he said these words to me: 'There may have been a "little 'tiddlywinking' going on. I think there was. [The book]s have been honestly kept, and "we can do nothing more in it.' Mr. Williamson had the opportunity to examine these accounts "for eight days before the hearing, and he did, at any rate, pretend to do so. The Collector, "having been warned by me that Mr. Williamson would lose the cases in Court, said to him before "the informations were laid, 'Now, Mr. Williamson, here is the evidence: Mr. Jackman has got "everything out of him.' The day-book of Mr. Suiter was, as Mr. Williamson knows, one of my "chief witnesses of his fraud. In proof of my sincere belief in the necessity for this inquiry, I beg "to disclaim any personal feelings. I never saw Mr. Williamson, to my knowledge, till I saw him "in the Collector's office on Friday, the 13th, and know nothing about him except what I may "have seen in the newspapers, and could have no personal feelings against him.

"I have, &c.,

"The Secretary of Customs." "S. J. Jackman.

The following is the Auckland Crown Solicitor's comment upon Jackman's charge:—

"Sir,— "87, Queen Street, Auckland, 28th July, 1888.

"I have the honour to complain of the conduct towards me of Mr. Jackman, one of your "subordinates, and to whom you referred me for information in respect to the Suiter cases, and "respectfully request that you may bring the conduct of this officer under the notice of the Hon. "the Commissioner. Mr. Jackman appears to be suffering under a sense of disappointment at the "result of these cases, as they owed their origin to his representations; and when I conclusively "showed him the other day, after making a thorough examination (with himself) of Suiter's books, "that he had blundered into wrong conclusions, he completely lost his temper, and so far forgot "himself as to charge me, in the presence of yourself and Mr. McKellar, in your own office, with "having been bribed to lose the case. I respectfully submit that an insult so gross should not be "overlooked by the department. I was thrown into contact with Mr. Jackman through no choice "of my own, but in pursuance of my official duties, and, were it not that legal proceedings would "involve yourself and other officers of the Customs in something like a scandal, I should certainly "avail myself of the protection which the law offers in such cases. I am, however, content to "leave the matter in the hands of the Commissioner. I may state that Mr. Jackman's conduct "throughout these cases has been such as to satisfy me that his statements are utterly unreliable, "and that he ought never to be intrusted with such work as that involving investigation of such "cases. He was the principal witness for the Crown, and his manner in the witness-box, in-"dependent of his contradictory, careless, and inaccurate statements, was sufficient to throw "discredit upon the whole proceedings. On no account could I recommend a prosecution, the "burden of which depended on him. I am not in the least prompted to say this by reason of his "conduct towards me personally, but from my long experience of witnesses and persons (police and "others) who have been concerned in getting up prosecutions. I can confidently express the "opinion that it would always be hazardous for the department to place any reliance upon Mr. "Jackman's statements, or to commence any proceedings based upon his uncorroborated reports.

"I have, &c.,

"The Collector, H.M. Customs, Auckland." "H. Williamson, Crown Solicitor.

It is indeed difficult to restrain one's-self from commenting upon this man's conduct. Surely a more heartless or a more untruthful man never lived. I should explain that, after giving orders for his dismissal on the 31st August, 1888, I injudiciously and unwillingly consented to his reinstatement on the 13th October, 1888, upon the strong representations of the Secretary of Customs, Mr McKellar; Jackman, in accordance with my directions, receiving a strong reprimand and caution. I had not at that time read the whole file of papers relating to his official history, or I certainly would never have consented to his reinstatement.

I wish to point out that the matters above referred to are far from being extraneous. The importance of their bearing has yet to be seen. It is this: that, acting under certain inspiration, this man subsequently made a most serious charge against myself. The charge is addressed to the Secretary of Customs, and is as follows:—

"Sir,— "Customs, 4th March, 1889.

"I have the honour to submit to you that I have during the last ten months, while employed "in the performance of my duties, become aware of circumstances which in my opinion amount to a "strong *primâ facie* case of fraud against the Hon. the Commissioner of Trade and Customs (Geo. "Fisher, Esq.) while exercising his power as Commissioner. The cases I specially refer to on this "occasion are for obstructing the prosecution under 'The Beer Duties Act, 1880,' of the Junction "Brewery Company and Mr. H. Gilmer, both of Wellington, in December last. I beg most respect-"fully to apply that the Governor will be advised by you to appoint a Royal Commission, as pro-"vided for in section 55, 'Customs Laws Consolidation Act, 1882.'

"I have, &c.,

"To the Secretary of Customs." "S. J. Jackman, Officer of Customs.

A copy of this document was left at my office by Jackman, when I at once suspended him from his duties. To this day I have never seen the man, and do not know him. I many times refused to see him when he was brought to my office by Mr. McKellar, because I regarded him as an exceedingly dangerous man. I have said that I suspended him. I did not dismiss him, as under any other circumstances I would have done, because I knew that had I done so, unpleasantly sur-

rounded as I was by the influences of Ministerial intrigue, I should have laid myself open to the imputation that I was anxious to get rid of him for other reasons. He was a witness in the Junction Brewery case. I therefore left it to the Premier's sense of propriety to deal with him. I daily expected to hear of his dismissal by the Premier; but Jackman knew he was in safe hands. It is impossible to conceive that he would have dared to make such a charge against a Minister of the Crown but for the existence of some strong support from an undisclosed source. Emboldened by a knowledge of the strength of his position, he forwarded the following further communication to the Premier:—

"Sir,— "Customs, Wellington, 7th March, 1889.

"I beg very respectfully to make an appeal to you against what I feel to be the unjust "and believe to be the unconstitutional conduct of the Hon. George Fisher, Esq., the Commissioner "of Trade and Customs, in suspending me from duty because, while employed in the execution of "my duties as an officer of Customs, I wrote a charge against himself to the Secretary of Customs, "and served him, the Hon. George Fisher, with a copy of the same. The printed instructions "issued to me for my guidance say, 'You are not to do or suffer to be done, abet, or conceal any "act or thing prejudicial to the revenue'—there being no exception made to any one on account of "the position, public or private, which the parties concerned may hold. That it is not reasonable "to infer that an officer of twenty-six years standing, and who, it must be admitted, has never had "to retract a single case of the many cases of fraud which he has reported, should now so far "forget himself as to make a charge, however slight or serious, without being able to maintain it, "and especially against one who holds the position of the Commissioner of Trade and Customs.

"I beg respectfully to state that I have not found in the printed instructions directions as to "how to proceed under present circumstances, and therefore take the liberty of appealing to you.

"I have, &c.,
"S. J. Jackman,
"Officer of Customs (under suspension).

"The Hon. the Premier, Sir H. Atkinson, K.C.M.G.

"Name in full: Samuel James Jackman, No. 2, Kent Villa, Kent Terrace, Wellington."

As to retracting charges, this man has been reprimanded and censured by every Commissioner of Customs and every Collector under whom he has served. The office-file of papers relating to him sufficiently shows what his character is.

Now, will it be believed that from the date of that letter, the 7th March, that man was in daily direct personal communication with the Premier, became almost his confidential adviser, and is still retained in the service of the Government!

I leave this matter to the judgment of the Parliament and the public; and I also, sir, leave it to others to say whether your conduct or mine is the more scandalous.

(G.) As to the eight large questions upon which I differed with the Cabinet, I am glad to learn that you confirm my statement that I on all occasions deferentially submitted to the decision of the Cabinet, because it confirms my former remark that you always gave me credit for great courtesy and forbearance; and it refutes a common and erroneous impression that I am "the "impracticable man," with whom nobody can agree. Your testimony upon this point is valuable to me. But again I say I differed with the Cabinet upon the following questions:—

(1.) The Railway Board.—You say I was in favour of the appointment of an English expert, as were most of the "Cabinet." There you are in error. Most of the Cabinet were not in favour of the appointment of an English expert. In Cabinet I proposed the appointment of Mr. Ree as Chief Commissioner of Railways. Only two members of the Cabinet voted for the motion—namely, the Hon. Mr. Mitchelson and myself. The peculiar treatment of Mr. Ree to which I referred was the constant disparagement of him by certain members of the Cabinet, the object of the disparagement being obvious, although the Government had at the time in its possession documents which showed that he was a most capable man, and in every respect fitted for the position of Chief Commissioner of Railways. Having a full knowledge of the contents of those documents—for they arrived from England, and were in your possession a month and a half before you spoke—your references to Mr. Ree in your speech at Hawera on the 28th January were unworthy of any person pretending to the standing of a statesman.

(2.) You pass over the matter of the appointment of the Judge with supercilious brevity and affected indifference. No doubt it is with you a tender subject, to be disposed of with all possible celerity. You say that after the appointment was made I never said anything further about the matter. That is quite true. We were all so heartily sick of the vacillating indecision of certain members of the Cabinet, and of the ungentlemanly and unfeeling language of two particular members of the Cabinet, that no one cared or dared to refer to the subject again. The use of this unfeeling language, and the overbearing manner of its authors, marks the date of the beginning of the disruption of the Cabinet. Surely you do not tell me that you have forgotton all this.

(3.) You speak of the appointment of an Engineer-in-Chief, or of "some such appointment," to which one of two persons was to be promoted. The two persons are very well known, but the situation at different times in regard to this matter became most ludicrous. For instance, the two members of the Cabinet who fought most strenuously for the appointment of a particular one of the two persons were gentlemen whom I had heard a dozen times say that that particular person was a person who should be "sacked" out of the service of the country. These contrarieties or variations in the character of the human mind puzzled and amused me. The question I asked you to submit to Cabinet was, "Does the colony require the services of these two gentleman?" You changed the issue. You put this question: "Are the services of these two gentlemen to be "retained?" And it was resolved in the affirmative. I am willing to believe you when you say that no appointment has yet been made to the position of Engineer-in-Chief; for, judging from some past experiences in connection with this matter, I should imagine it would take the Cabinet some

considerable time yet to recover from the paralysis of volition by which it seemed at one time strangely affected.

(4.) and (5.) It is not material to discuss these points at this particular time.

(6.) I ought to have said that I differed with you on the subject of the property-tax, and I ought to have explained that neither at your Auckland meeting nor at your Napier meeting was any reference made by you either to the Bill which you now say is being prepared, or to the modifications in the Act which were suggested by the Hon. Mr. Stevens and myself at the Cabinet meeting to which you refer. It is true that when I joined your Cabinet I said nothing specially to you on the subject of the property-tax. There was little time to discuss particular questions then; but you are in error in saying that you and I have never discussed the subject since. It is impossible you can fail to remember that I addressed a large deputation of Auckland citizens in April, 1888, on the question of the property-tax, and that on my return to Wellington we shortly discussed our respective views upon the question.

(7.) I blame you and the responsible Ministers—for there were at the time three Ministers in Auckland—for having allowed the country to drift into the ridiculous position and the large and needless expenditure into which it was forced by the movements of Te Kooti. Any man of firm character, having regard to the interests of the colony, and especially to the interests of the people of the East Coast districts, would have prevented Te Kooti leaving Auckland for the purpose of visiting those districts. I do take some credit, as you say, for having subsequently influenced the Cabinet in passing a resolution to prevent the further advance of Te Kooti upon the East Coast settlements, and to arrest him if necessary—a step which I considered essential in preservation of the interests of a large and valuable body of colonists, whose peaceful pursuits ought never to have been allowed to be disturbed by the appearance amongst them of such a man as Te Kooti. The chief Ropata, in his place in the Legislative Council last session, drew the attention of the Government to the objectionable character of these visits of Te Kooti, and to the dangers that were sure to result from them.

(8.) Your defence of your views upon the question of land-nationalisation and pauper farms does not interest me. I have little sympathy with the doctrines of the Socialist and the Communist. I have written and spoken strongly upon the views held upon the subject of land-nationalisation by some other prominent politicians in this country, and to view with favour in your case what I viewed with disfavour in their case would be to lay myself open to a charge of inconsistency of a very undesirable kind. My creed is short and simple. It is this: I regard the Government as a league of men combined for the benefit of the country as a whole, not for the protection of the individual—to advance the interests of the country and of its people by the better development of its wealth, the better reward of its industry, and the better promotion of its welfare. I believe in the private ownership of land, as I believe in the private ownership of any other description of property. I also agree with Professor Fawcett and Professor Pollock that private property of every description has its responsibilities to the State. You are mistaken in supposing that I did not discuss these matters with any of my colleagues. I did talk the matter over with one of your colleagues, who dissented from your view and agreed thoroughly with mine. If I were permitted to make a passing remark in regard to your professed anxiety for the welfare of the people, I should say that if you were to read, study, and act upon the teachings of such works as Besant's "Children of Gibeon," and such speeches as Sir Charles Dilke's speech at the Forest of Dean, and the Marquis of Ripon's recent speech at Limehouse, you would understand more of the sufferings of the masses, and the means of alleviating those sufferings, than you appear to understand at present. This short observation is called forth by your feeble utterances upon the subject of the sweating system in your recent Napier speech.

(H.) Referred to in paragraph (S).

(I.) (J.) (K.) These paragraphs, evidently compiled with the aid and assistance of some lawyer, describe with great subtlety the minutiæ and the complexities of the brewery cases, and with equal unfairness they strain every detail in any desired direction. I am sure we must all feel that we now know infinitely more about these cases than we ever knew before. I think it extremely probable that if I possessed as much knowledge of the principles of law as is attributed to me in these paragraphs I should have occupied my time much more profitably than in filling the thankless office of a Minister of the Crown of the Colony of New Zealand at £800 per year. The object of the paragraphs is well defined and palpable, but the facts happily are capable of a very different construction to that placed upon them here. To clear the ground as speedily as possible, let me deal with the simplest of these facts. Throughout, with tedious and painful iteration, you dwell upon the fact of "two perfectly clear cases" against the Junction Brewery being lost through my action in delaying the proceedings proposed to be taken against that brewery. You are aware, of course—for you cannot yourself be ignorant of the fact—that the "two perfectly clear cases" consist of *one case of non-entry of fifty sacks malt on the 5th September*. The merits of this *one* doubtful case were not gone into in the Court; but I am informed that it was exactly on all-fours with another case, which was dismissed by the Magistrate because it was discovered that, although the material was not entered on the day upon which it arrived at the wharf, it was entered upon another, a subsequent day, the day upon which it arrived from the wharf at the brewery. Surely a mistake so simple as to render unnecessary any proceedings at Court. So the Magistrate thought, for he dismissed the case without an instant's hesitation. In this, the *one* doubtful case which you persistently magnify into "two perfectly clear cases," the charge was laid one way against the Junction Brewery, and one way against the secretary of the Junction Brewery Company, to avoid all possible escape on any technical point that might be raised. You know full well that the charges were doubled in this way, for, when you afterwards wish to excuse your own extraordinary conduct in mitigating the penalties inflicted by the Magistrate upon the Junction Brewery, you speak of the charges being mitigated because they had been "doubled."

But look further at your unfairness, and your deliberate suppression of fact. When the time had passed by, as we thought, for laying the information in that *one* particular case, you still spoke in a not unfriendly spirit when we discussed the matter on the morning of the 8th March. You did not then charge me with deceiving you. You see we had then passed the 5th March, the day upon which, as an afterthought, you now say I deceived you. You did say, on the morning of the 8th, that it was unfortunate the time had gone by for laying the information in the *one* case just referred to; but I answered that, as Mr. Gilmer was an honourable man, he would not seek on that account to evade any legal responsibility. Upon leaving your room and retiring to my own office I sent for Mr. Gilmer, and put the point to him that through delay that particular information had not been laid, and that it therefore had lapsed. He said that mattered nothing; he would pay whatever the Government desired he should pay on that particular case. I therefore at once wrote the following memorandum, and myself handed it to you in your room, to be recorded with the papers relating to the case:—

"Department of Trade and Customs,
"Wellington, 8th March, 1889.

"The Hon. the Premier.

"I THIS morning sent for Mr. Gilmer, who still desires to be allowed to adhere to the terms of his "letter to the Commissioner of Customs, and is willing to pay any money-penalty the Government "may impose upon him. He will write to the Government to this effect if you wish it.

"I have, &c.,
"GEO. FISHER, Commissioner of Customs."

Having placed that letter in your hands, I asked you whether Mr. Gilmer should write as he desired, and you answered "No."

It is advisable to have before us the exact terms of Mr. Gilmer's principal letter. It is as follows:—

"SIR,— "Wellington, 4th March, 1889.

"I am aware that it is the intention of the Customs Department to make charges against "the Junction Brewery Company for not entering material received and for not entering beer de- "livered in the books of the Customs. What the exact charges may be I do not know, but I would "like to have permission to say that the business of the brewery is not practically supervised by "me, but is wholly supervised by the secretary of the company. I know nothing of the practical "management of the brewery, and if in the management of the business there have been any "negligent or inadvertent omissions, or any violations of the law, whether inadvertent or not, I "must express my sorrow and regret. I am willing to make any restoration rather than be sub- "jected to the harassing proceedings of the law, and am willing to pay any penalty or fine you may "impose, in addition to making good any deficiency in duty. I am also willing to leave the case "unreservedly in your hands, and to accept your determination, whatever it may be, as a final "decision in the case.

"I have, &c.,
"HAMILTON GILMER,
"Managing Director, Junction Brewery Company.

"The Hon. the Commissioner of Customs."

One other special point I wish to refer to here. You say, "On the 23rd February, Hamilton "having been convicted, you informed Mr. Glasgow, the Acting Secretary of Customs, by minute, "in reply to a written request by him to be allowed to proceed with the Junction Brewery prose- "cution, that there was no need for precipitancy in the matter. That was within ten days of the "time within which it would be possible to lay an information." I used the words "no need for "precipitancy" because, as you correctly point out, there was yet ten days to spare. As I have before explained in my letter of the 6th April, I was anxiously awaiting your return from the Te Kooti expedition to discuss the subject with you. Ten days left time enough to discuss it. Te Kooti was captured on the 28th February, and there was yet ample time to discuss the matter with you had you returned to Wellington from Napier instead of going across the country to Wanganui. At a later part of this paragraph I have dealt very fully with the subject of my conversation with you at the Wanganui Telegraph-office.

Now let us go back to the afternoon of the 4th March. I am positive I mentioned to Cabinet that that was the last day for laying the information. I think it likely, too, that Mr. Glasgow, during his long cross-examination by the Hon. Mr. Hislop, mentioned that that was the last day. And if he did not, why did he not? He was the officer, you say, who was so eager to proceed; and he ought to have mentioned that, if he mentioned nothing else. If I did not know that that was the last day for laying the information why did I do these four things:—

(1.) Why did I convene the Cabinet meeting on that day?

(2.) Why, when the Cabinet meeting was over, did I send Mr. Smith, my private secretary, to the Resident Magistrate's Court to inquire whether it was too late to lay the information?

(3.) Why did I direct the Telegraph authorities to discover, if they could, in what part of the country you were?

(4.) And why, when your whereabouts was discovered, did I ask you, as a matter of urgency, to come to the instrument at the Wanganui Telegraph-office to consult with me upon the case?

And judge of my chagrin and disappointment, when you came to the instrument at the Wanganui office at 8 p.m., I being at the instrument at the Wellington office, upon finding that you absolutely refused to discuss the matter that evening, because, as you said, you had to keep a private appointment. You positively refused to discuss the matter until 9 o'clock next morning, and so we parted. I wished to tell you my trouble and seek your counsel and advice, for I really was sorry the time had gone by, as I thought, for laying the information in the *one* case already referred to. I am not a legal practitioner, and knew nothing about the time for laying informations. But now what do we learn? That it is "a flimsy excuse" to say that the hour had passed for laying the information,

for a note to Mr. Bell or a telephonic message to his office would have settled the matter. Then how important that the Premier of the colony, who now charges this as part of a dishonourable proceeding, should have devoted a few moments to the discussion of a question, as you now describe it, of "vital public importance"—"a question of a gravity which it is impossible to exaggerate"—instead of excusing himself for refusing to attend to it on the ground that he had to keep a private appointment! I naturally felt very much hurt. I had a right to claim the advice and assistance of the Premier of the colony under such circumstances; and now to make a charge against me arising out of your own *laches* is to my mind simply disgraceful. In the morning a telegraphic communication in a Wellington newspaper announced that Sir Harry Atkinson had on the previous evening attended a banquet at Wanganui. When I saw that this private appointment had been the means of placing me in a position of very great difficulty, I felt so much annoyed that, although I had promised to meet the Premier again at the instrument at 9 o'clock that morning, I did not do so, but sent him instead this telegram:—

"5th March, 1889, 9 a.m.

"I MAKE no further request. Have placed my views on record. Will wait your arrival.

"GEO. FISHER."

A meeting then was futile. The 4th March had gone by. There was then no need to go to the telegraph-office, except to express the annoyance which that telegram expresses. As to your remark that at the Cabinet meeting of the 4th I had not all the papers ready for any action the Cabinet might decide upon, it is only necessary to say that all that was required to be done was to lay an information for not entering fifty sacks of malt on the 5th September, 1888.

But, as I have said at the beginning of this paragraph, every one of us is now very much more enlightened in regard to these cases than we were a few weeks ago. We had not then begun this subtle contest. Every one can now tell the particular moment at which each particular thing should have been done. Yet, while we laymen were groping for information, see how easily an able lawyer mistook the position in regard to one important matter. About the 13th March I met Mr. Bell accidentally, when he voluntarily informed me that, after all, everything was all right regarding the cases, that none had lapsed, and that all could be proceeded for. On my way to Auckland, thinking this would be a serviceable piece of information for Sir Frederick Whitaker, who had to consider the papers connected with the cases, I telegraphed to Mr. Bell, asking whether I had understood him aright, that all the offences could still be proceeded for, and he answered,—

"15th March, 1889.

"YOU understood aright. No information has lapsed, and all offences will be proceeded for.

"H. D. BELL, Crown Solicitor."

Subsequently Mr. Bell telegraphed that the Magistrate had decided against him in the one case to which his telegram principally referred. I merely refer to this circumstance to illustrate the point that, if Mr. Bell could be mistaken in judgment on any matter connected with these cases, how easy was it for a layman to be equally mistaken!

It is important to remember that all the other cases against the same defendant have since been disposed of, the defendant being fined £460, and his brewing-plant being ordered by the Magistrate to be forfeited to the Crown.

A strong prejudice was created against me at the beginning through the erroneous impression having got abroad that through some act of mine all the charges against the Junction Brewery had lapsed. It will be seen that my whole offence is that *one* charge, relating to the non-entry of fifty sacks malt, lapsed; and in that case Mr. Gilmer made a second, a special offer, to make good the deficient duty, in addition to any fine the Government might impose—an offer which, as has been seen, the Premier ignored.

No other charge against the Junction Brewery has lapsed, or could, under any circumstances, lapse, as the next information need not be laid before the 3rd April, and I had already brought the whole subject before Cabinet on the 4th March. On the 13th March I gave written instructions to proceed in all the remaining cases, and, as just mentioned, convictions were obtained.

I ask, then, is it not preposterously absurd to say that the omission to make entry of the receipt of fifty sacks of malt in a brewer's book was sufficient to create a Ministerial situation justifying the use of such language as this: "We felt that it would be dishonourable to sanction what you had "done, and that we could not continue to retain you as a colleague"? It is a trick in the Californian Legislature to avoid the main question, and to elaborate an attack upon a minor point, in this way. I have already referred to what the main points of difference in my case are. Contrasted with the brewery cases, I hope the acts of some present members of the Government may not give them equally rigid qualms when those acts come to be inquired into.

I agree that these brewers' frauds cannot in themselves be said to form any very heroic issue I have expressed my opinion to the effect that they are subsidiary—even trumpery. An eminent person to whom I have submitted the whole question considers it "subterfuge," and "nonsense." I think I shall be able to show presently that it is subterfuge and nonsense.

In your remarks introductory to this paragraph you tell me that in what you are going to say "I know that I represent pretty accurately the opinions of all your late colleagues." Let us test the accuracy of this statement. On the 8th March you told me you had sent the papers connected with the case to the Hon. Mr. Stevens and the Hon. Sir Frederick Whitaker, because, the Hon. Mr. Richardson and the Hon. Mr. Mitchelson being in my favour, and the Hon. Mr. Hislop and the Hon. Mr. Fergus being against me, you wished to have the opinion of the full Cabinet upon the question. The opinion of the Hon. Mr. Stevens, I am informed, was to this effect: that he had always been of opinion that the portfolio of Commissioner of Customs should be attached to that of Colonial Treasurer; that he thought these portfolios should now be placed under the charge of one Minister; but that no reflection should be cast upon Mr. Fisher. I am also informed that the

opinion of the Hon. Mr. Stevens had the effect of making you very cross, because, as I gather, it cut direct against the intrigue originated by the Hon. Mr. Hislop and the Hon. Mr. Fergus to oust me from the Ministry. You had not the courtesy or the honour to allow me to see the Hon. Mr. Stevens's opinion. I then went to Auckland to discuss the matter with Sir Frederick Whitaker. When Sir Frederick had decided upon the form of his opinion he read it to me in his office. It was to the effect that the Commissioner of Customs had acted wrongly in many ways; but it concluded with a paragraph couched in general terms, the purport of which was this: that the Commissioner had not acted corruptly or in a manner deserving of condemnation. That I believe to be its purport. And as to the matters in regard to which, in Sir Frederick's opinion, I had acted wrongly, a minute was added by Sir Frederick to the effect that I was to have the right to explain those matters to the Premier upon my arrival in Wellington. Again I say that, as a matter of honour, that opinion should have been submitted to me upon my arrival in Wellington, in accordance with Sir Frederick Whitaker's desire, so that I might explain the points upon which explanation was required; but, as in the case of the Hon. Mr. Stevens's opinion, it was withheld from me. This was quite of a piece with your discussions of the general subject in Cabinet in my absence. I am assured that had the matter been discussed in full Cabinet, and in my presence, a different result would finally have been arrived at; but it was frequently and principally discussed with none present but yourself, the Hon. Mr. Hislop, and the Hon. Mr. Fergus; and the hostility and the unfairness of these two gentlemen towards me is now very well and generally understood. It is true I said I would not again meet the Hon. Mr. Hislop to discuss the particular brewery case; but when it came to discussing my honour and my position in the Ministry, I had every right to claim to be present to protect myself against the influence of that malignant spirit which had manifested itself in such a wanton and cruel manner in the cases respectively of Mr. Justice Ward and Mr. C. Y. O'Connor. I knew that, as had been the manner of their treatment behind their back, so, in the case of such colleagues, would be their treatment of me behind my back.

I, too, wish to make a short recapitulation of the facts connected with the Junction Brewery cases. The sequence of my instructions was this: On the 7th December I sent a telegram to Mr. McKellar, Secretary of Customs, asking him to stay proceedings in Gilmer's case until my return to Wellington. On the 10th December, as a result of a communication from the Hon. Mr. Hislop, I again wired to Mr. McKellar, "Refer Gilmer's matter to Hon. Mr. Hislop." On the 12th December the Hon. Mr. Hislop ordered the prosecutions to proceed. On the 14th, on my arrival in Wellington, I saw Mr. Bell at his office, when he mentioned to me a small case against Staples's Brewery for not entering four or five sacks of malt, which it was proposed not to go on with. This case is quite distinct from the larger Staples's case, which was settled by Mr. Glasgow on the 21st September. I said that all cases must go on. I then returned to my own office, and gave Mr. McKellar instructions to proceed in all cases. Mr. McKellar, in his telegram to me of the 14th December, confirms this. As to my first interview with Mr. Bell at his office on the 14th December, Mr. Bell, in his letter to you of the 10th April, says, "I think Mr. Fisher did say that he would not care as "long as all were dealt with alike." But he says that was not an "instruction" by the Commissioner of Customs. I do not attach any importance to this refinement of language. For me it is sufficient that Mr. Bell says I wished all to be dealt with alike. On the 17th December I saw Mr. Bell at his private house in connection with a pending action against me in the Supreme Court, Dunedin. I had been to Mr. Bell's house on the same matter on two or three previous Sundays. It was the only day I had free to attend to my own private business. On this particular occasion the Junction Brewery matter was incidentally mentioned; but what the terrible secret is that Mr. Bell possesses I do not know. I said that Mr. Gilmer was an honourable and a kindly man—I say so everywhere and always; and I was sorry he was in any trouble, because he was a man who constantly assisted in cases of distress in the town. He and I had been brought together in assisting in many such cases. I think I mentioned that I considered he was being persecuted by Mr. McCarthy, for the papers in the case showed this; but whether I said so or not I thought so, as still do numbers of other people in the City of Wellington. Mr. Bell is again correct when, in his letter to you, he says that "there was no reason why the cases against the Junction Brewery should not be delayed until the others had been dealt with. There really was no reason in the world why they should not be delayed; but the "secrecy," and the "mystery," and the "concealment," is certainly at this moment a very great mystery to me. The natural inference to be drawn from language employed in this mystic and suggestive form is that I made some corrupt and improper proposal to Mr. Bell, and that Mr. Bell, consenting to act in concert with me in the carrying-out of this corrupt and improper proposal, swerved from the strict line of his official duty as Crown Solicitor. If that is not what is meant, then language ceases to have any meaning. This is Mr. Bell's letter, written as the result of our incidental conversation:—

"Sir,— "Wellington, 18th December, 1888.

"I think it may be as well to proceed with the informations against Hamilton and Edmonds "at present, and to lay no information against the others complained of till after the cases have "been decided on Friday. I shall therefore delay further informations unless you instruct me to "the contrary. "I have, &c.,

"The Collector of Customs, Wellington." "H. D. Bell, Crown Solicitor.

The letter is simple enough. To my mind it reveals no trace of any motive upon which can be founded any unworthy imputation. Delays took place, but Mr. Bell himself, in his letter to you of the 10th April, furnishes this explanation of the cause of delay: "At that time it was supposed that "these cases would be dealt with in the course of a week at most; but the engagements of the "Magistrate and of counsel were afterwards found to be so constant on other matters, and the "evidence was so protracted, that unexpected delays occurred." This mystery, indeed, resembles "that unpleasant feeling which was created in the minds of several members of the Cabinet," who

positively and absolutely knew nothing whatever about the cases at the date at which the unpleasant feeling is attributed to them by you. And so as to "the Cabinet, myself, and the Acting-Secretary "of Customs being all anxious that the cases should proceed, and that no steps were taken." Is it not a fact, Sir, that Ministerially you controlled a good deal of the business of the Customs Department? And, if you were anxious about this matter, as you now pretend you were, was it not your duty, as a colleague of mine, to have mentioned your anxiety to me, and to have put me right in any matter in which you thought me wrong? Did you do so? No. But this is like the reason you gave for not appointing Mr. Justice Ward to the Judgeship—a reason of which you were totally oblivious at the time you decided in your own mind that Mr. Justice Ward should not be appointed.

You speak frequently of my friendship for Mr. Gilmer. "All this is unfortunate," you say, "con- "sidering your friendship for Mr. Gilmer," whom "you have thus attempted to screen." Nowhere in your letter do you make the slightest reference to your friend Mr. McCarthy, whose brewery is never inspected or reported upon, and who could, if he chose, defraud the revenue more than all the other brewers in Wellington put together, because he, of them all, is the only one who has a malt-house attached to his brewery. Upon my return from Melbourne, in December, I found that Mr. McCarthy pervaded the Customs Department and the records of the Customs Department—so much so that on one occasion I felt compelled to inform the Acting Secretary of Customs that "Mr. "Fisher, not Mr. McCarthy, is Commissioner of Customs; and Mr. Fisher, not Mr. McCarthy, will "in future direct the officers of the department in carrying out the provisions of the Beer Duty Act." In your telegram to me of the 5th March, from Wanganui, you are good enough to tell me that Mr. McCarthy had spoken to you about "the frauds that were going on, and that he was going to give "you hints how to prevent frauds by other brewers." A creditable position for Mr McCarthy to take up, truly!

Now, as your colleague, it was clearly your duty, when you had received this information, to have informed me of it at the time. It related to the administration of my department. Did you so inform me? No. You receive hints and suggestions from outside persons upon matters concerning the administration of my department—you, the person who now make pretence that you had undergone so much anxiety in connection with these matters—and you never, on any single occasion, say a word to me about them. All I can say is, that, if that is your conception of what is due from one colleague to another, it is certainly a strange conception. Did you at any time tell me that you or the officers of the department were aware that frauds were being committed under the Beer Duty Act? Never. When you were aware—as you now say you were aware—that I had failed or neglected to take action in these cases, did you remonstrate, or make any personal representation to me of any kind? Never. What does this argue? Loyalty to a colleague? No. Upright, straightforward conduct? No. It argues that you knew nothing of the matter whatever, or thought nothing of the matter whatever, until your mind was prejudiced by the Hon. Mr. Hislop and the Hon. Mr. Fergus, who built upon these cases their effort to oust me from the Ministry. And, when you talk of my having deceived you, let me call your attention to this fact: Speaking of the decision of the Cabinet of the 4th March, "that the prosecutions must be instituted," you use these words: "You telegraphed to me *on the same day*, asking my assent to your settling the case "out of Court. *I replied* that the information should be laid." The Cabinet meeting was held on the 4th. I telegraphed to you on the 4th, at 7.40 p.m. You replied, you say, that "the informa- "tion should be laid." Did you telegraph that reply on the 4th? No; you replied on the 5th, not on the 4th, which in this case makes an important difference. But I do not ungenerously accuse you of deception. It is possible that in writing your letter you have inadvertently fallen into error. So then in my case. I frankly acknowledge that I ought not to have said in my telegram of the 4th, "A brewery prosecution against a man named Hamilton has resulted in infliction of a "penalty of £100." That is incorrect, but I absolutely repudiate any imputation of a deliberate desire to deceive. We sit down now and calmly review the whole proceedings; but you would allow, if you were a man possessed of a spark of generosity, that that telegram was written under a feeling of great haste and anxiety. I wrote the telegram in Mr. Glasgow's presence. He at least should be able to say whether the proceedings of that afternoon were surrounded by haste and anxiety. What I meant to convey was, that the Hamilton case had resulted ultimately in a mitigated penalty of £100; for Mr. Glasgow's recommendation to mitigate, and my concurrence, were already minuted on the papers. I therefore resent your imputation that the intention to mitigate was only "in my mind." But, apart from this, the actual position of Hamilton's matter was very plainly expressed in my telegram to you of next day, which said, "Glasgow, in report on "Hamilton's case, says £100 is highest penalty that can be imposed." That is the form of words in which I should have expressed myself in the first telegram. I hardly think I shall be believed to be such a poltroon as to stoop to the petty deception you impute to me. Mr. Glasgow, too, has evidently had a terrible drilling at your hands. He told me, before I left office, that you and the Hon. Mr. Hislop had given him a dreadful talking-to for having made the recommendation in Hamilton's case. I thought it great presumption on the part of the Hon. Mr. Hislop, or any other Minister, to give an officer of my department "a dreadful talking-to." As charges of corruption are being strewn broadcast, I think I ought to charge Mr. Bell with corruption, in agreeing with Mr. Jellicoe to accept £200 from Hamilton, when the Magistrate had inflicted a total fine of £250 upon him. This is absurd, but we are dealing with absurdities.

(L.) This paragraph relates principally to the statement that Mr. Glasgow's recommendation in the Junction case, and my minute, were written on the papers after Cabinet had decided that the Junction Brewery was to be prosecuted. "This fact was, of course, known to you, but unknown "to Mr. Glasgow." Now see how this house of cards tumbles to the ground. "Mr. Glasgow "warned you that the time for laying the information would expire on the 4th March. . . . "Mr. Glasgow knew that the Junction Brewery was the worst of the three offenders."

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 informa-"tion? 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,
"Mr. Glasgow,— "13th March, 1889.

"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

serious offence is committed by Staples's Brewery on the 13th September, and it is settled by the permanent officers on the 21st September without any reference to the Commissioner of Customs. And when these two cases are brought together and contrasted the Premier refuses to see what a specially aggravated case this latter case is. Woe to me if I, as Commissioner, had settled such a case without reference to the Cabinet; but the permanent officers may settle it without reference to the Commissioner or to anybody else. I confess I never before heard of such a thing. I complain of this exceptional leniency shown to some brewers and the rigorous severity dealt out to others. Had all been treated alike I should have had nothing to say. I wished all to be treated one way or the other, so long as they were dealt with upon one principle. I have shown how Staples was treated. McCarthy's brewery is exempted from all inspection and examination because Mr. McCarthy is privileged to hold private and friendly communications with the Premier.

(O.) (P.) I again say that, except to ratify Mr. Glasgow's recommendation in Hamilton's case, I had nothing whatever to do with the case from first to last. I regard all your laboured arguments in this case with the utmost indifference. The papers when laid before Parliament will show that Mr. Bell, in a letter to Mr. Glasgow, pointed out that if the Government did not accept £200 in lieu of £250 Hamilton would go to prison. Mr. Glasgow recommended that settlement. Subsequently, on the petition for mitigation, Mr. Glasgow wrote an elaborate recommendation ending with the statement that £100 was the highest penalty that could be imposed. The petition and the recommendation are in print, and will be laid before Parliament. I had no communication, verbal or otherwise, with Mr. Glasgow in regard to his recommendation. You say I "did not think "it worth while to take the Crown Solicitor's advice upon the point." Why should I run about after the Crown Solicitor? When Mr. Glasgow brought me this recommendation, I said, "Have "you consulted the Law Officers of the Crown upon this recommendation"? He said "he had "not, and did not think it necessary to do so, as he was quite certain about it, and did not wish to "be made unhappy in his mind by having doubts created." Then I said, "If you are satisfied, I "will write the words 'I concur in this recommendation.'" I wrote the words, and that is the beginning and the end of my connection with the case. The statement that I informed Cabinet on the 4th March that Hamilton's fine was to be reduced to £100 in accordance with an arrangement entered into between Mr. Bell and Mr. Jellicoe, is a distinct misrepresentation. The arrangement between Mr. Bell and Mr. Jellicoe related to the reduction of £50, and I said so. Mr. Bell's letter shows that so clearly that when it is laid before Parliament your insinuations will be swept away like chaff before the wind. I have already acknowledged, and I again acknowledge, that the statement in my telegram that "a brewery prosecution against a man named Hamilton has resulted in in-"fliction of a penalty of £100" was erroneous; but I say also again that that statement was corrected or rectified by my telegram to you next day. But why do you, of all people, complain? You received that telegram on the evening of the 4th, and, so far from it inducing you to take any erroneous or mistaken steps, you did nothing, and would do nothing. You would not even discuss anything, because of the private appointment you had to keep. The possibility of any act of yours having any effect upon the non-entry of fifty sacks of malt disappeared with the disappearance of the 4th March; and you would do nothing on the 4th March because of your private appointment. Let me put the point plainly: Did you take any erroneous step, or did you do or perform anything, as the consequence of my deceiving you, as you now call it? All you said next day was simply shooting at the stars. As to the reduction of £100 "being as yet only in your mind," I had at that time approved of Mr. Glasgow's recommendation—that is all.

(Q.) This paragraph expresses your annoyance at my acquiescence in the decisions of the Cabinet, and you petulantly say that it was only when you took the matter out of my hands that I acquiesced, because I was unable further to resist. I have already referred, in paragraph (M), to my written instructions to proceed with the cases in accordance with the decision of Cabinet. I myself became particularly anxious that they should be gone into when I found that three of my own colleagues, behind my back, were attributing to me improper and unworthy motives. Then, from your vituperative arsenal you produce a choice volley of phrases for the benefit of the Junction Brewery. That particular brewery is "the worst of the three cases." "It is "the worst offender of them all." "It has been guilty of systematic fraud." "It has "perpetrated a series of gross frauds." "They were very gross and obvious frauds." "The "offenders must be brought to justice." "The offender must be made to take the con-"sequence of his fraudulent acts." "The event [in the Resident Magistrate's Court] has "proved all these charges to be right." These are phrases selected from your letter. Until I read your letter I had no idea that the cases against the Junction Brewery were so bad. I now agree, upon your own statements and upon your own showing, that no penalty could be too severe. The Magistrate thought so too, and said so. He fined the defendant £460, and ordered the forfeiture of all his beer, plant, and utensils. A well-merited sentence, one would say, after reading your charges and your letter—the letter of the 23rd April which you sent me. The colony has been made to resound with the enormity of the offences of this Junction Brewery Company. And what have you done—you, sir, who have denounced the fraudulent conduct of this systematic offender as infamous, and who have displaced a colleague whose conduct in connection with these cases you pretended you could not in Parliament defend? You have mitigated the penalties inflicted by the Magistrate by the sum of £100, and have handed back to this "worst offender of them all," all his beer, brewing-plant, and utensils, which were ordered by the Magistrate to be forfeited to the Crown. Who now is infamous? Was there ever presented to the world a more pitiable, a more reprehensible spectacle? Where now is your honour and your honesty? Where now are your great public professions? What now becomes of your boastful clamour for justice and right? The law triumphed, as you wished it to triumph, and you deliberately, and for purposes of your own, throw away all you professed to have fought for. Why put the Court, the Crown Solicitor, the witnesses, the defendant, the public, to all this trouble and expense for such a result? For

what result? To give back to a man whom you denounced as a systematic defrauder of the revenue the plant and material with which he carried on his systematic fraud. And, further, mark this: Having it now in your power to do so, you did not compel him to pay either fine or duty on the offence for non-entry of the fifty sacks malt. Truly a memorable conclusion for men to marvel at. What is gained by the result? Undying strife and hatred engendered for what? Mr. Gilmer, in his letter to the Government, offered to pay any penalty a Magistrate could compel him to pay. He placed himself unreservedly in the hands of the Government. If the Government had asked him to pay £300 or £400, by the terms of his letter he was bound to pay it. But do not let us be misled. The present result is not the result intended. It was only when public sentiment became shocked by the merciless persecution being practised against this man that the spirit of the craven replaced the grip of the oppressor. If it were not for the sickening hypocrisy of the thing it would be intensely amusing to hear you say that "the defendants have expressed their "satisfaction at the consideration and leniency shown them." Have you forgotten the charge you make against me? It is this: "You interfered in one case, and in one case only, "with the course of justice, and this one offender you attempted to screen was not only the worst "offender of them all, but also, as it turned out, a personal friend of your own." Here is "the "worst offender of them all." It is you now, not I, who have screened him from the full effect of the course of justice. Why? Because, as I have already said, the public mind was becoming shocked at the revengeful persecution to which this man was being subjected, and you shrank from the natural consequences of the cruelty you were practising. I told Mr. Bell that this was no ordinary prosecution—that it was an extrordinary persecution. I knew what were the moving influences working from behind. I knew that Mr. McCarthy had publicly declared that he would crush the Junction Brewery—that he would have it closed; and that he had used other language of a similar kind. When Mr. Gilmer threw himself upon the clemency of the Commissioner of Customs, feeling that he was in the grasp of merciless persecutors who would stop at nothing, and offered to pay any fine a Magistrate could impose upon him, I felt that in common justice nothing more should be demanded of him, and I desired particularly to discuss the subject with you. Even in the lapsed case of non-entry of fifty sacks malt he offered payment of fine and duty, which you refused to accept. Why should not the duty in this one case have been accepted, as it was accepted in Staples's case? Evidently because you had secretly determined in your own mind to base upon the non-entry a charge against me.

(R.) My answer to the statement that Mr. Gilmer is a personal friend of my own is that he is a common friend in the sense that he and I have been brought together in rendering assistance in many cases of pitiful distress in this city. The fact that we have been brought together in this way, or in any similar way, is, I presume, to a person of your cast of mind, sufficient ground upon which to base a charge of collusion. As to the nonsense about the Government being impeached for the omission on the part of a brewer to enter fifty sacks malt in his book, I think it much more likely that the Government will be impeached on several other much more serious matters which will "come out upon inquiry, if not in debate."

(S.) This paragragh deals with my alleged differences with my colleagues. I cheerfully quote from it this passage: "Of course I am not denying that there were differences of opinion between "you and me, and between you and other members of the Cabinet; but what I say is, that they "were not more serious or more marked than the ordinary differences which inevitably arise between "independent men who attempt to act together, and we were all of opinion that they had as they "arose been amicably settled, and that the settlement had been cheerfully accepted by you." Amidst all your reiterations I am glad you reiterate this statement, because gladly I hold out to the world this proof that Mr. Fisher is not the "impracticable man" some persons persistently represent him to be. Throughout I have treated the deliberations of the Cabinet and the opinions of its members with great deference and respect, always remembering that, as a member of the Cabinet, I was merely a unit in an impersonal whole. You have indeed frequently given me credit for exhibiting great courtesy and forbearance, and I thank you for this further tribute to the pacific and peaceful nature of my general bearing in Cabinet.

(T.) It is hardly necessary now to discuss this matter further. I have the knowledge that my case was discussed at meetings of Cabinet at which Messrs. Hislop, Fergus, Mitchelson, Richardson, and yourself were present, but from which I was absent, and at meetings at which none but yourself and Messrs. Hislop and Fergus were present. Again, I say, I have particularly good reason for making the statement that had the matter been discussed in full Cabinet, and in my presence, a different result would have been arrived at. But I raise this question: I was a member of the Government, having the right to be present at every Cabinet meeting to protect myself against wilful or unintentional misrepresentation. Was it fair or honourable to discuss such an important matter affecting me in my absence? I objected to meet the Hon. Mr. Hislop to discuss again with him that particular brewery case. The question of my resignation from the Ministry was a question transcending in importance any question relating to breweries or brewers.

(U.) (V.) (W.) I have already gone over this ground at very considerable length.

(X.) I also must enter a strong protest against the statements contained in your concluding paragraph. I am sure His Excellency the Administrator will do me the justice to believe that I would be the last person in the world to offer him any disrespect. His Excellency is too much respected to admit of the possibility of any act of discourtesy or disrespect being offered to him by even the meanest of Her Majesty's subjects in this colony. It is true that a hundred copies of my reply to you were printed on Saturday, the 6th April; but for what purpose? I had already suffered sufficiently by the dissemination of the slanders promulgated by you; and, if proof is needed of what these slanders are, one has only to read your letter to me of the 23rd April, to which I am now replying. His Excellency was engaged in the discharge of his official duties in a part of the colony far from the seat of Government, and, although, upon the dictum of Gladstone's "Kin

beyond Sea," a Premier is bound upon his honour not to falsely and basely discredit a colleague in his communications with the Crown, he being the only Minister having direct access to the Crown, I knew, and you now yourself tell me, that you had made communications to His Excellency the Administrator of a nature highly injurious to me. I had no means of counteracting the effect of your slanders and of refuting them, except by making known the nature of my answers to the slanders. And then, the printed copies of my reply were not, as you say, "distributed in a "promiscuous manner." They were sent to members of Parliament only, and not even to all of them, for there was not a sufficient number of copies for all. As to the publication of a *résumé* of my reply, that *résumé* was published as is published a *résumé* of the Queen's Speech before the delivery of the Speech from the Throne. The public knew that you had put certain statements into circulation; they knew that I had made a reply. They desired some indication of the nature of that reply. What you desired, I assume, was that there should be no public answer to your public slanders. I have already told you very plainly what I thought of the leading articles published in the Wellington *Evening Press* of the 25th and 26th March, at a time when I was absent from Wellington, the material for which was furnished by a person not unconnected with the Government; and of the leading articles published in the *New Zealand Times* of the 27th and 28th March, also published during my absence from Wellington, the material for which was furnished by you. The substance of all these articles was telegraphed to the Christchurch *Press* and the *Otago Daily Times* by the person who is editor of the *New Zealand Times*—a person who is in constant and daily communication with you. The substance of the articles in the Wellington *Evening Press* was published in influential newspapers in Australia by a person in Wellington who is the New Zealand correspondent of those newspapers. And while you were secretly slandering me in every direction you think it fitting that I should stand tongue-tied and with my hands bound. This is your view of what you consider fair and honourable. If any act of mine is construed as being in any degree disrespectful to His Excellency the Administrator, I here tender to him the fullest and most sincere apology; but I will consent to submit to no lectures from Sir Harry Atkinson upon ethical subjects or upon the rights and duties of a Cabinet Minister.

GEO. FISHER.

SIR,— Premier's Office, Wellington, 3rd July, 1889.

I have to acknowledge the receipt of your letter of the 31st May, which has remained hitherto unanswered because my time has been fully occupied with preparing for the meeting of Parliament.

While admitting the truth of none of the many grave charges and insinuations against myself and others with which your letter abounds, I propose, nevertheless, to deal very summarily with a few of them, which may be taken, both in relevancy and truthfulness, as fairly typical of them all.

First, as to what you say about Mr. Jackman. Your statement that from the 7th March he was "in daily direct communication with the Premier" and "became almost his confidential adviser" is simply untrue. Mr. Jackman has given me no advice whatever, and has had no communication with me of any kind in connection with the Junction Brewery (Gilmer's) cases. Indeed, I have only spoken to him once in my life, and that was in Mr. Glasgow's presence, when he appealed against your action in suspending him. I may go further and say that nothing that Mr. Jackman has ever done, said, or written has in any way influenced me or any of your late colleagues in our opinions as to your official conduct.

Secondly, as to your remarks about Mr. McCarthy, You speak of him as having been practically installed as Commissioner of Customs in your absence, and as having taken upon him the part of official informer to the Government and confidential adviser to myself all through these brewery prosecutions. These assertions, which it would be charitable to call reckless, and which you make no pretence of supporting by any evidence whatever, are all untrue. Mr. McCarthy, so far as I am aware, never was in the Commissioner's office, and certainly in no sense ever had any authority there; nor did he give any advice or information to me or any other member of the Government with respect to the Junction Brewery cases. What he did was, at a chance meeting on the wharf, to offer to give me information of a general character after all the prosecutions should have been disposed of, with a view to enabling us to amend the Act and prevent similar frauds in the future; and of this promise I informed you in my telegram from Wanganui on the 5th March. This was an offer of a strictly honourable and straightforward character, and it expressly excluded the giving of information as to any of the cases then pending, or, indeed, as to any individual cases at all. Your insinuations as to my friendship with Mr. McCarthy are equally baseless. He is not, I hope, my enemy, but a man cannot be called my friend and confidential adviser, when I have not spoken to him, I believe, a dozen times in my life, and certainly not more than two or three times within the last two years.

Thirdly, your assertion that I inspired certain articles in the *Evening Press* and *New Zealand Times* is also untrue. I did not write any of the articles referred to; I did not authorise the writing of them; I did not either directly or indirectly supply either of those papers with the information upon which the articles were based.

Fourthly, you assert that your portfolio was offered in March to Mr. J. B. Whyte. This is untrue. Mr. Whyte has never had such an offer either directly or indirectly, and no one has ever been authorised to make him such an offer.

I now turn to the real matter in dispute—your conduct, as Commissioner of Customs, with regard to the brewery prosecutions. You continue to speak of them as a "trumpery" matter; and I must refer you to my letter of the 23rd April for an explanation of how, "trumpery" as they perhaps were in themselves, they nevertheless raised an issue of the gravest importance. It is surely childish on your part to insist that a Ministry would not be impeached for the mere "omission on the part of a brewer to enter fifty sacks of malt in his books." The question at issue

between us, as you know very well, is not as to the conduct of any brewer, but as to the conduct of Mr. Fisher at the time when he was a Minister of the Crown. The question is simply whether, a certain brewer having been guilty of an offence against the law, you did or did not, from improper motives, interfere as Commissioner of Customs with the ordinary course of the law in order to screen that offender from prosecution. I must speak plainly. Your colleagues were and are of opinion that you had been guilty of such an interference, and that they would have been justly stigmatized as dishonourable themselves if they had sanctioned your conduct or retained you as a colleague. It was for this reason, and this reason only, that you were asked to resign; and I repeat what I said in my letter of the 23rd April—that, previously to your action in the brewery prosecutions, not one of us had ever thought of your resignation as possible or desirable.

Before entering into the details of the Junction Brewery cases, I will briefly dispose of the argument which you base upon the treatment of the Staples's brewery for what you call worse offences. Here, for once, the main facts are not in dispute. We both admit that the irregularities of Staples's brewery were discovered and disposed of about two months before anything was known as to those of Hamilton, Gilmer, or Edmonds, and that they were settled by the permanent officers of your department, on their being satisfied that there had been no fraud, without the knowledge of yourself or any other Minister. Now, we probably both agree that this was not right; and I, at any rate, showed my opinion about it by giving directions, as soon as the facts came to my knowledge, that such a course must never be followed again, and that all cases must in future be at once referred to the Commissioner. But what is the argument which you found upon this improper settlement of the Staples's brewery case? Simply this: Because, without the knowledge of Ministers, the Government officers of the department had, believing there was no fraud in Staples's case, settled it out of Court, that therefore Ministers were not to prosecute in a case which was brought before them in which fraud was admitted, and which the Crown Solicitor told you was a bad case, and must be prosecuted.

I could, and, if it should appear to be necessary, I will follow you through the vast mass of untrue or irrelevant assertions, denials, and insinuations in connection with the brewery prosecutions and other matters contained in your last letter, and I have a complete answer in each case. But this is not now necessary, as you have announced your desire to have a Committee of the House, to whom the essential facts will, of course, be stated. Instead, therefore, of doing this now, let me recall your attention to a bare statement in chronological order of the main facts of the Junction Brewery case as admitted by yourself:—

1. You admit that during your absence from Wellington it was decided to prosecute Edmonds's, Hamilton's, and the Junction Breweries for frauds under the Beer Duty Act.

2. You admit that early in December, on your return from Melbourne, you received at Invercargill a telegram from "a constituent" (whose name you unfortunately do not mention), and that as a result of that telegram you directed Mr. McKellar not to proceed with the prosecution of one of the three cases mentioned above—namely, that of the Junction Brewery.

3. You admit that shortly afterwards you received a telegram from Mr. Hislop upon the subject, urging that proceedings should go on; that you telegraphed your assent; and that on your return to Wellington you confirmed it.

4. You admit that on the 17th December you had an interview with Mr. Bell, the Crown Solicitor; that as a result of that interview a letter was written by Mr. Bell on the following day, recommending that no information should be laid against the Junction Brewery "until after the cases against Hamilton and Edmonds have been disposed of on Friday," in which recommendation you concurred.

(I may here pause to remind you that, in that interview with Mr. Bell, you were Commissioner of Customs and he was Crown Solicitor, two public officers consulting as to your official duty. Yet, though charged with having acted at that interview in dereliction of your public duty, and challenged to disclose what then occurred, you not only refused to do this, but, while posing as an innocent man suffering under a grievous imputation, you refuse to allow Mr. Bell to divulge what then passed, and thus seal the lips of the one witness who, on your own hypothesis, could establish your innocence.)

5. You admit that by the 23rd February the cases of Edmonds and Hamilton had been disposed of; that the Acting Secretary of Customs at once applied to you for leave to proceed with the prosecution of the Junction Brewery; and that you replied "that there was no need for precipitancy in the matter." Here again, on your own admission, it was you who stopped the prosecution.

6. You admit that you had not removed your interdict against proceedings up to the 4th March, which you now allege you then thought was the last day on which the information could be laid; that on that day you summoned a meeting of the Cabinet at 2.30 p.m., and tried to induce it to allow you to settle the matter out of Court; that the Cabinet refused your request, and decided to prosecute; and that, when you then sent to inquire whether the information could be laid, you found that it was too late, as the office of the Court was closed.

7. You admit that, though the matter had been on your hands since December, you made no attempt to consult the Premier upon the subject until 7.40 p.m. on the 4th March, *i.e.*, some hours after the time within which the information must be laid had, as you now allege you then thought, expired.

8. You admit that you sent a telegram to the Premier on the 4th March, with the object of inducing him to sanction the settlement of the case out of Court; that the statement of the facts you relied on was incorrect in an essential particular; and that you also omitted to mention in that telegram that the Cabinet had that very day refused to allow such a settlement out of Court, and had decided to prosecute.

9. You admit that on the 5th March the Premier replied to your telegram that the information should be laid that day, but that no information was laid.

(I may add here—what is an indisputable fact, though you have not, so far as I know, admitted it—that if the information had been laid that day it would have been in time, and the case would not have lapsed.)

The indictment which I have thus constructed out of your own admissions is one which needs no elaboration to heighten its effect. It proves beyond a possibility of doubt that you have been guilty in your official capacity of a deliberate, persistent, and in part successful attempt to interfere with the ordinary course of the law on behalf of a particular offender, and that you did your utmost to be faithful to the promise which, as you told more than one Minister you had made, that he should be allowed a lenient settlement out of Court on payment of a small sum, instead of being subjected to the "harassing proceedings of the law."

I deeply regret having to write thus of one once trusted with perfect confidence, and deemed worthy of it, but your grave disloyalty to your colleagues, to the high trust reposed in you as a Minister of the Crown, and to that unwritten law without which Parliamentary Government would be impossible, leaves me no alternative.

H. A. Atkinson.

Geo. Fisher, Esq., M.H.R., Wellington.

Approximate Cost of Paper.—Preparation, nil; printing (1,400 copies), £19 10s.

By Authority: Samuel Costall, Government Printer, Wellington.—1898.

Price 9d.]