

No. 18.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. the Earl of KIMBERLEY.

(No. 100.)

Government House, Wellington,

MY LORD,—

New Zealand, 24th October, 1871.

Memo. by Mr.
Vogel, 16th Oct.,
1871.

At the request of my Responsible Advisers, I have the honor to transmit
herewith a Ministerial Memorandum respecting the contract with the Peninsular
and Oriental Steam Navigation Company.

I have, &c.,

The Right Hon. the Earl of Kimberley.

G. F. BOWEN.

Enclosure in No. 18.

MEMORANDUM by Mr. VOGEL.

MINISTERS respectfully request His Excellency to represent to Her Majesty's Secretary of State for
the Colonies, that if the Home Government should have received an intimation of the desire of the
Government of Victoria to have the required notice given on behalf of that Colony to terminate the
contract with the Peninsular and Oriental Steam Navigation Company for the mail service between
Point de Galle and Sydney, this Government desires that notice be given for terminating the contract
on behalf of New Zealand.

General Post Office, Wellington, 16th October, 1871.

J. VOGEL,
Postmaster-General.

No. 19.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. the Earl of KIMBERLEY.

(No. 101.)

Government House, Wellington,

MY LORD,—

New Zealand, 25th October, 1871.

Memo. by Mr.
Fox, 24th Oct.,
1871, with 1 sub-
enclosure.

With reference to my Despatch No. 38, of the 25th April ultimo, and to
previous correspondence respecting the case *Regina v. Barton*, I am now requested
by my Responsible Advisers to transmit a further Ministerial Memorandum on
that subject.

I have, &c.,

The Right Hon. the Earl of Kimberley.

G. F. BOWEN.

Enclosure in No. 19.

MEMORANDUM by Mr. FOX.

MINISTERS having been informed by Mr. G. Barton's solicitors that a certain printed paper headed
"Mr. Muston's Free Pardon," purporting to be written by Mr. Barton, and reflecting on the opinion
of the Attorney-General which was forwarded to His Excellency in a Ministerial Memorandum of the
8th April last, has been forwarded by Mr. Barton to the Right Hon. the Secretary of State for the
Colonies, have the honor to forward herewith a copy of a letter from Mr. Haggitt, Crown Solicitor of
Otago, who conducted the prosecution against Mr. Barton, replying to certain allegations made by
Mr. Barton in the printed paper above referred to.

Ministers respectfully request His Excellency to forward the copy of Mr. Haggitt's letter to the
Right Hon. the Secretary of State for the Colonies.

Wellington, 24th October, 1871.

WILLIAM FOX.

Sub-Enclosure to Enclosure in No. 19.

The CROWN SOLICITOR, Otago, to the ATTORNEY-GENERAL.

SIR,—

(Regina v. Barton.) Dunedin, 23rd September, 1871.

In reply to your telegram of the 13th instant, on the subject of a Memorandum published in
the *Otago Daily Times* newspaper, and headed "Mr. Muston's Free Pardon—Notes on the Statement
and Opinion of the Attorney-General," I have the honor to say that the statement therein contained,
"that a telegram from you to myself, containing instructions to object to any evidence which Mr.
Barton might tender in support of the truth of the statements contained in the articles published by
the *Daily Times*, was handed to Mr. Barton's counsel in open Court," is untrue.

It is a fact that, on the 26th January, on the occasion of Mr. Barton's counsel intimating his
intention to make an application for a remand for a month, in order to obtain the attendance of the
Hon. Mr. Gisborne and certain officers of the Telegraph Department from Wellington, it was inti-
mated by me in open Court, that if such an application were made, I should oppose it on the ground
that such evidence was inadmissible on a preliminary inquiry, and I stated that the case of *Regina v.*
Townsend would be relied on as an authority in support of that contention; but the question was never
raised, and the case of *Regina v. Townsend* was not quoted in Court, or even referred to subsequently.
The statement contained in the notes before referred to, to the effect that "when Mr. Barton's
counsel entered upon the examination of witnesses with a view to justify the publication of the libel,
the counsel for the prosecution strenuously objected to the admissibility of the evidence upon the
ground that the Magistrate had only to consider the question of authorship and publication," is also
without foundation in fact.

I have, &c.,

B. C. HAGGITT,
Crown Solicitor.

The Hon. the Attorney-General, Wellington.