

1873.

NEW ZEALAND.

COMPLAINTS AGAINST MR. THOMAS BECKHAM,

(REPORT OF COMMISSION OF INQUIRY INTO, AND OTHER PAPERS).

Presented to both Houses of the General Assembly by command of His Excellency.

No. 1.

Mr. W. S. REID to the Hon. the MINISTER of JUSTICE.

SIR,—

Wellington, 13th March, 1873.

I have the honor to transmit herewith the Report of the Commissioners appointed by His Excellency the Governor to inquire into the truth of the allegations contained in a Petition presented to the House of Representatives by Mr. J. B. Russell, respecting the course of conduct pursued towards him by Mr. Beckham, the Resident Magistrate at Auckland.

I have, &c.,
WALTER S. REID.

The Hon. the Minister of Justice, Wellington.

Enclosure in No. 1.

To His Excellency Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Commissioners appointed to inquire into and report upon the truth of the allegations contained in the Petition of John Benjamin Russell, a Barrister and Solicitor of the Supreme Court, presented to the House of Representatives on the 26th day of July last, complaining of the conduct pursued towards him by Thomas Beckham, Esquire, Resident Magistrate at Auckland, having proceeded to make the inquiry entrusted us, and having taken evidence thereon, after careful deliberation, have agreed to the following Report:—

Before proceeding to state our opinion touching the subject matter of the inquiry, it will be convenient to state here the course of procedure adopted by us.

Under the terms of the Commission addressed to us, it was provided that Mr. Russell should prefer charges in writing, specifying as nearly as might be the time and place at which the matters therein alleged happened; that copies of such charges should be delivered to Mr. Beckham; and that no way of Appendix.

inquiry should be had until the expiration of two days after the delivery to him of such copies. These requirements having been complied with, the inquiry was commenced at Auckland on the 4th February, and terminated on the 18th day of the same month. The length of the inquiry was increased, owing to the voluminous nature of the evidence brought forward, it being impossible to admit only evidence of a strictly legal nature.

The charges preferred by Mr. Russell, together with all the evidence taken, are hereto attached by

The allegations of the Petition, upon which evidence was chiefly offered, are those contained in the 2nd, 3rd, 4th, 5th, 8th, and 10th paragraphs; and upon these, and the charges framed in support thereof, we are of opinion as follows:—

1. Respecting the allegation contained in the 2nd paragraph of the Petition, we think that the evidence adduced is insufficient to show that Mr. Beckham has pursued a course of conduct towards Mr. Russell which is unjust and oppressive, as alleged.

2. With regard to the allegations contained in the 3rd, 4th, and 5th paragraphs, it would appear that the charges founded thereon have reference to a particular case, a summary of the facts of which will best explain its nature. In August, 1871, Mr. Russell appeared as counsel on behalf of a person named Matzen, charged with a breach of the Harbour Regulations at Auckland. The case was heard before two Justices of the Peace, and not before Mr. Beckham, and on the hearing Mr. Russell raised certain legal objections, one of which was disposed of in his favour, and the case was adjourned pending