

That "no evidence was offered in support of his tenth allegation, that no alteration has taken place in my demeanour towards him."

That "Mr. J. B. Russell has himself testified that at present my conduct towards him is free from all ground of complaint."

And that "the case of *Burgess v. McLean* is the only instance in which it appears to the Commissioners that my conduct towards Mr. J. B. Russell calls for official censure."

With respect to the case of *Burgess v. McLean*, I learn with pain and regret that the Commissioners report that in their opinion my comments on Mr. J. B. Russell's conduct were unwarrantable, and that in that opinion both yourself and the Cabinet concur.

I had already, immediately on the opening of their Commission, addressed a letter to the Commissioners, which I requested might be publicly read and recorded on the minutes of their proceedings, in which I stated that "if, under a mistaken duty, or in a moment of unguarded warmth, I had given to the petitioner just ground of complaint, it would always be to me a subject of unfeigned regret."

With respect to your own Minute, in which I am called upon to express my regret to Mr. J. B. Russell for my unwarrantable remarks, I have now to report that on the 10th inst. the Clerk of the Court, by my instructions, caused a letter to be delivered into the hands of Mr. J. B. Russell, informing him that I was desirous to make him an apology in open Court on any day which might suit his convenience (copy annexed), to which no reply has been received.

Although Mr. J. B. Russell has brought numerous charges against me, which he has failed to prove,—some of them the gravest which can be brought against a Judge,—this fact, you may be assured, will not be allowed to influence my demeanour towards him as a practitioner in my Court.

I am sorry to find, from your Minute, that other complaints against me, of a similar nature, have been made to the Government. I would gladly have been spared making the observation for myself, but, under the circumstances, I think it right to state for the information of the Government and Assembly that in the course of my lengthened official career I have disposed of upwards of 100,000 cases, civil and criminal; that in seven or eight cases only have my judgments been appealed against; that in those seven or eight, only four or five of my judgments have been reversed; and that during the thirty-three years in which I have been engaged in discharging the duties of an invidious and difficult office, only three or four complaints have been officially brought under my notice.

Considering that thousands of persons must have felt themselves aggrieved by my decisions, and that every practitioner in my Courts must have been repeatedly disappointed at my ruling, this is a retrospect, due allowance being made for human infirmity, which I cannot but think an old servant of the public may justly regard with pardonable pride.

In conclusion, I beg to request that you will do me the favour to cause a copy of this letter to be laid before the House of Representatives with the other papers relating to the case.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

THOS. BECKHAM.

Enclosure in No. 3.

Mr. W. F. LODGE to Mr. T. B. RUSSELL.

SIR,—

Resident Magistrate's Court, Auckland, 10th April, 1873.

Mr. Beckham has requested me to inform you that he is desirous of taking an early opportunity of making an apology to you in open Court (the Police Court, High Street), for certain remarks he made on your conduct in the case of *Burgess v. McLean*.

Mr. Beckham will preside in the Police Court on Saturday and Thursday next. If neither of those days will suit your convenience, probably you will state on what day you can make it convenient to be present.

I have, &c.,

John B. Russell, Esq., Shortland Street.

WILLIAM F. LODGE,
Clerk of the Court.

No. 4.

Mr. J. B. RUSSELL to the Hon. J. BATHGATE.

(Telegram.)

Auckland, 15th April, 1873.

CLERK of Resident Magistrate's Court, Auckland, has written, Mr. Beckham is desirous to apologize, and named seventeenth instant. Is this consequent upon inquiry and Report? Am I to have copy Report, and when?

John Bathgate, Esq., Minister of Justice, Wellington.

JOHN B. RUSSELL.

No. 5.

Mr. R. G. FOUNTAIN to Mr. J. B. RUSSELL.

(Telegram.)

Government Buildings, 15th April, 1873.

HON. MINISTER OF JUSTICE presumes Mr. Beckham is satisfied that an apology is due to you. He thinks that you should frankly accept it, and thus terminate an unpleasant state of affairs. Report will be laid on table of the House.

John B. Russell, Esq., Auckland.

R. G. FOUNTAIN,
Acting Under-Secretary.