

The circumstances which have led us to this conclusion are the following :—

1. As Attorney-General, and Chief Law Adviser of the Government, we are bound to believe that Mr. Whitaker must have been aware that we exercised the power of appointment, not as a piece of unwarranted "interference," but by virtue of an order of the Governor in Council, issued under the authority of "The Public Revenues Act, 1875;" and knowing that, as he must have known, it is impossible for us to conceive that he would publicly assail the conduct of two absent individuals who had simply performed an onerous duty by strictly complying with the law from which they derived the power.

2. As a leading Minister of the Government it is as difficult to conceive that Mr. Whitaker could have been ignorant of the fact that one of his colleagues in the Ministry (Hon Dr. Pollen, then Premier), when acknowledging the receipt of our letter reporting your appointment, only a fortnight before the speech was made, expressed himself in the following terms:—"It is my pleasing duty to inform you that the Government entirely approve of the steps you have taken in this important matter, and to convey to you their thanks."

3. Even supposing it possible that, in the heat of debate, the Attorney-General could have lost sight of the law and the facts, is it likely that his Ministerial colleagues, who had passed the Public Revenues Act of 1875—issued the Order of Council referred to—invited us to accept the responsibilities which devolved upon the Agents under these instruments—and, finally, approved of our Acts in the language we have quoted—would have allowed the statements which Mr. Whitaker is reported to have made, to go forth to the public unchallenged and uncorrected? We think not; and hence it is that we adopt the conclusion that *Hansard* is on this occasion in error, and that the fault must rest with the reporters; and we cannot allow ourselves to doubt that the Government will—if they have not already done so—see the justice of speedily and publicly endeavouring to efface the impressions which must have been created by the mistaken utterances with which so prominent a member of the Ministry has been credited.

With regard to the suggestion that Mr. Kennaway might have more properly become the *locum tenens* of the office, and to the innuendo which follows that suggestion, it can scarcely be necessary, after what we have already stated, to say much. It is, however, due to that gentleman to add that, in acting as we did, nothing could have been further from our intention than to disparage his merits, or to call in question his fitness to perform the duties of Agent-General.

Upon the resignation of Dr. Featherston, we placed the Public Revenues Act and the Order in Council, from which we derived our powers, in the hands of an eminent counsel, with a request that we might be informed as to the course we ought to adopt under the circumstances, and he advised that "we should temporarily appoint a proper person, and that we should each exercise our judgment impartially as to the fitness of the person appointed, and the propriety of the appointment."

We had not received any expression of opinion from the Government as to what they desired in the event of such a contingency happening, although in the covering letter transmitting the Public Revenues Act an intimation was given as to the manner in which we were expected to exercise other functions delegated to us under the same Act. Nor did the late Agent-General ever allude to any member of his staff in connection with such an appointment, or signify any wish or opinion beyond that contained in an observation which he made to one of us shortly before his decease, when, in a brief allusion to his office, he said that "*he believed that everything connected with it would be found in perfect order, and that it was a great satisfaction to him to know that its temporary administration would devolve upon ourselves.*" He was not then in a condition to pursue the matter further, and our conclusions were that while, with his accustomed sense of delicacy, he abstained from saying anything that could have the appearance of anticipating our action under the law, he thought the Crown Agents might administer the New Zealand Agency until the pleasure of the Government was made known; and this they would have done in deference to what they believed to be his wish, and without any cost to the Government, could they have done so legally, but they were informed that this could not be the case; and we then, in the spirit of counsel's advice already quoted (but not as Crown Agents), sought for a fit and proper person to fill the vacant office.

We had never been brought in contact in any way with Mr Kennaway, the Secretary to the Agency, who among the office staff had the first claim to consideration; and we had never heard anything as to his capacity and fitness, and did not, therefore, feel justified in offering the appointment to him. It then became a matter of most anxious consideration to us to determine who would be the most proper person to hold it.

We should certainly have given the preference to some one of established colonial reputation had nothing stood in the way of our doing so; and there were at least two distinguished ex-Ministers of New Zealand then in this country, either of whom would, we believe, have done honor to the office, and have fitly represented the colony in London; but we were deterred from inviting either of these gentlemen to accept the position from the fear that in a political point of view we might embarrass the Government. The only alternative that remained was to look for an outsider, and we considered ourselves particularly fortunate in having secured for the Government of New Zealand one so able and so fit in all respects to become their representative in this country as yourself.

In addition to an intimate and long acquaintance with your official career and well-known administrative capacity, we are proud to acknowledge your valued friendship; and we think the combination has enabled us to make a choice which the colony will have abundant reason to approve.

We have only to add that your recollection of what was said with regard to other claimants, before you would consent to accept the appointment, is quite correct; and we venture to hope that nothing will induce you to vacate the office until the Government shall have made permanent provision for it.

Sir William Tyrone Power, K.C.B.,
Agent-General for New Zealand.

We have, &c.,
P. G. JULYAN.
W. C. SARGEANT.