

3. Next, as to the report of *Gillon v. Macdonald*. This report is a one-sided one. It states that Mr. Travers had admitted that Saunders had ceased to be a partner in the *Argus* Company. This, indeed, was Mr. Barton's contention, but was, and has always been, absolutely denied on the part of the defendants. On the part of the defendants it was stated that Mr. Travers had said "he made no point of the non-joinder of Saunders as a defendant, and would consent to his being made a party to the suit." This, of course, implies that Saunders really was a partner. The notes taken by the Chief Justice on the first trial were referred to, and confirmed that statement as to the nature of the consent given by Mr. Travers. The plaintiff never did add Saunders as a party to the suit, and it became, in the subsequent proceedings, a serious question whether the Court could issue orders purporting to affect the copartnership and its property without insisting that all the partners should be before the Court. Some of Mr. Barton's numerous interruptions of the Court whilst delivering judgment related to this question respecting Saunders. On these occasions he was not calling the attention of the Court to any matter which could possibly have been overlooked, but was contradicting and protesting against the conclusions of the Judges upon one of the main questions before them, and renewing passionate assertions which he had already made over and over again.

4. I need scarcely add that it is quite a misapprehension to suppose that the Chief Justice refused to refer to his notes of the first trial. I do not know that there is any ground for this mistake in the *Jurist* report, which, so far as it is based on the report of the *New Zealand Times*, is fair enough. His Honor's note-book and my own were both produced, and the entry in the former of the consent given by Mr. Travers was one of the chief subjects of discussion. The Chief Justice did at one point in the discussion observe that, where the question related to the state of the record, it must be determined by the record and not by his note-book. Some reporter must have misunderstood the observation. Such mistakes are continually occurring.

5. It does not appear to have occurred to any one who relied upon the report in the *Jurist* to inquire into the origin of that report. I declare it to be quite untrustworthy, so far as it is original. I have reason to believe that it was not furnished to the *Jurist* by either of the barristers who are announced as the reporters for this district.

The report in the *New Zealand Times* of 31st January is a fair report so far as it goes; but it fails, as almost any report must do, to convey an adequate idea of the scene in Court. It also fails, or rather it does not attempt, to show the nature of the questions before the Court. Without some apprehension of these questions it is not possible for any one to understand how thoroughly without ground of complaint Mr. Barton has been.

I respectfully submit that it is desirable to lay this letter on the table of the House of Representatives. It will be understood that I have confined myself to noting a few important misstatements in a report which some members have relied upon.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

C. W. RICHMOND.