

have caused your Honor the slightest mental pain, it is a matter of the deepest regret to me. I hope, your Honor, that I shall always be found to be one of those who will use the utmost endeavours to maintain the dignity of this Court, both while inside and out of it. With these words, I again thank your Honor for the view you have taken of my case, which shows that your Honor's mind has approached this subject in a spirit of perfect justice and propriety."—(*New Zealand Times*, 14th October, 1876.)

How the Government could grant an inquiry, after your own admission that the Chief Justice had approached the subject "in a spirit of perfect justice and propriety," I am at a loss to understand. Your statement disposes, if the Parliament had not disposed, of those charges. I put in Appendix A to this letter a copy of his Honor's judgment.

CHARGE 3.—You must be labouring under some misapprehension as to this charge, and must have forgotten what occurred. In the *New Zealand Times* of the 25th January, 1878, the following paragraph appeared:—

"During the hearing of the case *Clayton v. Isaacs*, in the Supreme Court yesterday, Mr. Travers complained that he could not get certain information from Mr. Campbell (of Beauchamp, Campbell, and Co.), a witness, whereupon his Honor remarked that it was highly improper for a witness to keep back information. Mr. Barton, counsel for defendant, examined witness, with a view of showing that neither he nor any member of his firm had withheld information asked for by plaintiff's solicitors. From what further transpired, his Honor said it appeared as though Mr. Barton was trying to lay a trap for the Registrar of the Supreme Court. Mr. Barton asked his Honor to withdraw the remark, and said that he had cast improper imputations both on Messrs. Beauchamp, Campbell, and Co., and Messrs. Barton and Fitzherbert. His Honor said he would not express an opinion until after hearing the evidence."

The Chief Justice, however, on the day that paragraph appeared, made the following statement in Court:—

"I desire to say, with reference to a paragraph in the *New Zealand Times*, that the reporter misrepresented what took place. No observation was made as to Mr. Barton or to Mr. Fitzherbert having led the Registrar into a trap. My observations were made with reference to a system and the abuse of it. The law provides that the Registrar may go to an auctioneer, arrange for sale, and conduct sale of land by mortgagees. It appears to be the practice that the mortgagee's solicitor suggests an auctioneer; the same solicitor prepares conditions, which are approved by the Registrar. If under these circumstances the solicitor is to be called the solicitor of the Registrar, that is leading the Registrar into a trap. The Registrar is not under the impression that the mortgagee's solicitor is his solicitor under such circumstances. I reiterate over and over again that my observations were general, and had no reference to any particular person. No imputation was made against Messrs. Beauchamp and Campbell except this, that there was great difficulty in getting proof of matters from them about which there should have been no difficulty whatever."—(*New Zealand Times*, 26th January, 1878.)

This statement was published in the *New Zealand Times* of the next day. If it were, therefore, the duty of the Government, which it is not, to inquire into the truth of every allegation that a Judge may make, or every reprimand he may utter, in this case the Chief Justice's statement clearly shows that your firm was not charged as you allege. I believe that when you penned this charge you had forgotten what had occurred on the 25th January last.

CHARGE 4.—This charge was, as you state, made in your petition to the House in 1877, and, on that ground alone, could not be dealt with by the Government. You, however, seem to forget that, in a letter to the Colonial Secretary, the Chief Justice explained the manner in which the phrase that you complain of was used, as follows:—

"Mr. Hart urged that the Supreme Court was a Court of equity, and that it was only equitable that the deduction should be made: to that I replied that I thought that I could, nevertheless, not make the order. Thereupon Messrs. Barton and Fitzherbert's clerk at once asked me to fix the amount of costs to be paid to the plaintiff. I said I had not yet decided that he was to have costs, and that I did not so decide. Thereupon he made some observation about the action being a common law action,—the observation I supposed to be directed to Mr. Hart's contention that, as it was only equitable that the deduction should be allowed, the order should be made. I believe that I then observed that it might as well be said that there was no such thing as common honesty in a common law action."

This explanation disposes of your charge; and the remarks I have made on charge 3 are applicable.

CHARGES 5, 6, AND 7.—These charges are not specific, and cannot therefore be dealt with. As you have referred to various cases, and have in other charges named occurrences in these cases as proof of corruption on the part of the Judges, I shall show that, in the occurrences you have named, neither you nor your clients have any just cause of complaint.

CHARGE 8.—This charge refers to an occurrence in the case of *Peters v. Joseph*, a case that you cite as proving charges 6 and 7. It has been the subject of judicial decision. You moved, as you had the undoubted right to do, to set aside the following order:—

"In the Supreme Court of New Zealand, Wellington District, between Carl Peters, plaintiff, and Joseph Joseph and Walter Isaac Nathan, defendants.

"On Friday, the twenty-second day of February, 1878.

"On hearing the solicitors for the parties, and on reading the summons herein, dated the thirteenth day of February instant, I do order that the defendants do have leave to withdraw the pleas pleaded by them to the second count in the declaration in this action, and to pay into Court the sum of ten pounds, and to plead such payment in satisfaction of the plaintiff's claim under the said second count, and that the defendant be at liberty to give notice in mitigation of damages under the said second count.

"And I do further order that the costs of, and incidental to, this order, and the costs of the amendment, be plaintiff's costs in the cause in any event; and I do also further order, by consent, that the