

I do not think it a right or satisfactory arrangement that three brothers should be allowed to work in this way—two of the three districts, in fact, being represented by dummies; and it is not apparent how each of these persons got over the difficulty of making the declaration required by "The Census Act, 1877." Mr. King does not appear to have concerned himself with the manner in which the three brothers distributed their work, and perhaps a little more strictness—to avoid any possible abuse—may have been desirable; but this is a very different thing from the charge of pocketing part of the remuneration, a charge which in the case of the Fitzpatricks is unsupported by any evidence whatever.

There is no proof that Mr. King received from Albert Board more than 10s. out of the £42 shown on his voucher, and that was for advances made by the firm of King and Whewell during the progress of the work, amounting to £15 15s. Mr. Board made some statements at variance with this view, but these were deprived of all their force by his answers given upon cross-examination, as a perusal of his evidence will show.

Mr. John Brown's evidence has a note of uncertainty about it. If it is unreliable, it cannot support the charge; if reliable, it conclusively refutes it.

The evidence of Walter Graham only shows that he got an advance from a money-lender, and not that King got any part of the discount. There is some reason to think that the amount of discount in this case may have been exaggerated.

The evidence of J. H. Smith, like that of several of the others, established little, except the uncertainty of memory in matters of detail, that occurred six or seven years ago. The variance in the statements of witnesses, before and after they have had the documents put into their hands, is remarkable; but the conclusion is inevitable, that such evidence can never avail to support a charge against any one. Of Mr. Smith's evidence, it may be said that both parts of it, however contradictory to each other, go to exonerate King from the charge made against him.

The sum of the matter under head (2) is that King was in the habit of referring to money-lenders those who wanted payment in advance of the receipt of the Government cheque, but there is nothing to show that he was in the habit of discounting the vouchers himself; still less that he misled the sub-enumerators as to the amount stated on the vouchers, with the view of putting a portion of the Government payment in his pocket. The last-mentioned charge is so gross and calumnious that I am surprised that it should ever have been made upon such worthless data as appear to have been collected in this case.

The data in question were collected by Mr. Seaman, upon a request made to him by Mr. Mitchelson, to supply what information he could to explain the great cost incurred in the years when Mr. King had the collection of the returns, as shown by the parliamentary return already referred to. Previously to this Mr. Seaman had found occasion to notice that persons applying to him for employment had mentioned sums that had been paid to them by Mr. King of smaller amount than that shown on the vouchers. Mr. Seaman, therefore, upon receiving Mr. Mitchelson's request, sent notes to the sub-enumerators, or some of them, asking for a statement of the amounts received by them; and it is upon these statements alone, so far as I can ascertain, that the charges against King as regards the vouchers have been founded. It seems never to have been considered that memory might be fallacious after a lapse of six or seven years; nor that the persons concerned might have got an advance upon their accounts, upon which discount would have to be paid, although this, one would think, was strongly suggested by the vouchers themselves, many of which showed an authority to agents to draw the money. But everything was interpreted in whatever sense seemed most adverse to King, and no explanation was ever asked of him from first to last.

I am warranted in supposing that Mr. Mitchelson had no further information on the subject than what had been supplied to him by Mr. Seaman in the manner above described, because he told me himself that he relied upon Mr. Seaman for his facts; and because, if Mr. Mitchelson had himself collected statements and inquired into their value he would scarcely afterwards have so emphatically repudiated in Court the character of prosecutor, which on that supposition he would have so unmistakably adopted out of Court. But if Mr. Mitchelson had made no independent effort to verify the truth or value of the statements made to him by Mr. Seaman, I cannot refrain from expressing my surprise that any man's character should be assailed upon such flimsy grounds.

(3.) The question of the industrial statistics will not detain me long. No evidence was adduced to show that King had in any case caused the parties to sign the schedules in blank in order that he might fill them up afterwards himself. I did not think it right to press this part of the inquiry beyond what might be shown by voluntary statements, because all the schedules were filled in under a solemn pledge of secrecy, which would be clearly broken if the parties were called to explain their schedules in a public Court.

The gist of the charge against Mr. King under this head seems to be that he filled in, or caused to be filled in, some of the schedules of industries in such a way as to show the value of the manufactured articles for the year as no more than that of all materials operated upon during the year. Mr. King says that is what was told him by the parties concerned, but I do not think this is quite satisfactory. The bare statement that a business has been carried on at a loss is, unfortunately, one which need not excite either overwhelming surprise or total incredulity; but I should suppose it to be unusual for the value of the manufactured article to equal precisely that of the raw material, together with wages and all other outlay in the manufacture, without showing a penny to the account of either profit or loss. I am certainly inclined to think that there was some degree of either negligence or incompetence on the part of Mr. King in the preparation of these returns, which, again, is mainly a question for the department.

It must be remembered that these industrial returns have only a statistical value, and do not form a basis for rates or taxes, so that there is no room for imputing to the sub-enumerators any collusion or interested motive. Mr. Seaman so fully admits this that he falls back upon the suggestion that Mr. King purposely bungled the schedules in order to bring discredit upon his