

the settlement of the other. A few days after this a similar case was heard before Mr. Beckham, and prior to the hearing Mr. Beckham commented on the course adopted by Mr. Russell in Matzen's case, and in the course of his remarks he appears to have used expressions to the effect attributed to him in the fourth allegation of the Petition. The case referred to will be found in the Appendix, under the title "*Burgess v. McLean*."

We think it has been proved, by the evidence adduced, that in the case referred to, Mr. Beckham did make use of expressions towards Mr. Russell to the effect mentioned in the 4th paragraph of the Petition; and we further think, if these charges had been true, they would entail upon Mr. Russell the liabilities mentioned in the 3rd paragraph of his Petition.

Upon this portion of the complaint we think that Mr. Beckham was wholly unwarranted in making the comments he did. Mr. Russell appears to have acted only in the proper discharge of his duty as counsel; and even had he acted otherwise, the case was one with which Mr. Beckham had nothing whatever to do, as it was heard before two other Justices of the Peace. It is to be regretted that Mr. Beckham did not tender to Mr. Russell a complete apology when requested to do so, and we think that he ought to have done so forthwith. Instead of apologizing, Mr. Beckham, eight months afterwards, in a letter to the Colonial Secretary, which appears among the papers presented to Parliament, reiterated the expression complained of.

3. As to the eighth allegation, we think it has not been proved that Mr. Russell's practice has seriously suffered, as alleged.

4. No evidence was offered in support of the tenth allegation, to the effect that no alteration had taken place in Mr. Beckham's demeanour towards Mr. Russell up to the time of the presentation of the Petition; and inasmuch as specific charges were made by Mr. Russell, it became unnecessary to enter upon this ground of complaint.

5. In conclusion, we have to observe that while the evidence does not bear out the charge of unjust and oppressive conduct towards Mr. Russell, it seems clear that a feeling of irritation has existed between the parties, and that this feeling has manifested itself on both sides on several occasions. In so far as respects Mr. Beckham, the case of *Burgess v. McLean* is the only instance where it appears that Mr. Beckham's conduct towards Mr. Russell calls for official censure.

It is only right to add that Mr. Russell testifies that, at present, Mr. Beckham's conduct towards him is free from all ground of complaint.

Having, therefore, in accordance with the terms of our Commission, given our opinion on the evidence taken before us in this inquiry, we now beg respectfully to submit this our Report to your Excellency.

Dated, and sealed with our seals, this 7th day of March, 1873.

(L. S.) JOSHUA STRANGE WILLIAMS.  
(L. S.) WALTER S. REID.

## No. 2.

### MINUTE for the CABINET.

I CONCUR with the Commissioners in their Report. Mr. Beckham's remarks on the occasion of the case *Burgess v. McLean* are quite unjustifiable. It is also proved that his manner to Mr. Russell was, until recently, uncourteous and overbearing; so much so, as to lead the public to believe Mr. Beckham had a prejudice against him. In matters with which Mr. Russell was concerned, there seems to have been on the part of Mr. Beckham an absence of that patient attention and control of temper which ought invariably to be exhibited by a Judge. While Mr. Beckham's conduct scarcely amounted to oppression, it was to some degree unjust, and it is to be regretted that no apology has been tendered. I recommend that Mr. Beckham be called upon to express his regret to Mr. Russell for his unwarrantable remarks on the occasion referred to; and if the Cabinet concur with this Minute, the expression of the opinion of the Government should be sent to Mr. Beckham, and with this the proceedings may be determined. Mr. Beckham should also be informed that other complaints, of a similar nature, have been made to the Government, which render it highly desirable that he should avoid anything in his manner which might be deemed arbitrary or uncourteous to any counsel or party.

JOHN BATHGATE.

Approved in Cabinet, 17th March, 1873.—J. BATHGATE.

## No. 3.

### Mr. T. BECKHAM to the Hon. J. BATHGATE.

SIR,—

District Court, Auckland, 17th April, 1873.

I have the honor to acknowledge the receipt of your letter of the 18th ult., No. 189, enclosing a copy of the Report of the Commissioners appointed to inquire into the truth of the allegations contained in a Petition presented to the House of Representatives by Mr. J. B. Russell, and also of your own Minute thereon approved by Ministers in Cabinet.

It has given me sincere satisfaction to find that, of the various allegations contained in Mr. J. B. Russell's Petition, and the numerous specific charges he preferred against me, but one has been substantiated.

That the Commissioners report that "the evidence adduced before them was insufficient to show that I have pursued a course of conduct towards Mr. J. B. Russell which was unjust and oppressive, as alleged by him in his Petition."

That it "has not been proved that Mr. J. B. Russell's practice has seriously suffered."