

ing circumstances : that he should be deprived because technically he was Agent-General. Technically the Government were right ; in spirit they were wrong. Yet I do say, and repeat with all due submission to this Committee, that this claim is as nothing when compared to that for compensation for loss of office : in being so thrust out, and being excluded from an appointment which was to be compensation for services rendered. The letter says, and I attach the greatest importance to it, that the appointment would yield a "considerable income, and assist materially your position in London, and will not be an unreasonable recognition of your services." Not only is he deprived of that, after being taken into consultation, but also he received a slap in the face, that is of incalculable money injury to any man who intends to start in mercantile business or otherwise. I say that claim is most moderately put forth ; and I say there are no twelve men in any country but would regard that as a grievous wrong. It is to me inexplicable.

161. *Mr. W. White.*] I would like to ask whether you understand the then Premier, Sir John Hall, in the telegram of the 3rd November, to refer to Sir Julius Vogel's retirement from the Agent-Generalship or from the board of directors?—I think the context clearly shows that he refers to his retirement from the board of directors.

162. The point I wish to clear up is this : was there any understanding or mention of retirement from the Agent-Generalship on one side or the other prior to the floating of the loan on the 11th November?—I think this answer of the 7th November is clear : "Am willing take Loan Agency; payment by centage and act Agent-General, without salary." Whether Sir Julius Vogel retired or acted as Agent-General without salary—mind that "without salary"—he was free to take any other business.

163. Any resignation or retirement prior to the 7th November you consider as applying to the board of directors?—The particular point you asked me, I understood, was as to the meaning of Sir John Hall's telegram of the 3rd November, and I say, in reply, that that referred clearly to the retirement from the board of directors. Then, as to the question, Was there anything prior to the 11th November in reference to retirement of Sir Julius Vogel from the Agent-Generalship, I refer to the telegram of the 7th November, and I say that clearly refers to his virtual retirement from the Agent-Generalship ; at any rate so far as to obviate the objections to his undertaking any other business that would be incompatible with that office.

164. Then, the suggestion first came from Sir Julius Vogel, on the 7th November, when he states that he cannot resign—meaning from the board of directors—and suggesting that he should take up the position of Loan Agent at a percentage ; and the first telegram or communication from Government in reference to the resignation or retirement from the Agent-Generalship is under date of the 11th November, in your opinion?—Yes.

165. That is the first intimation we have of the Government considering the advisability of Sir Julius Vogel resigning the Agent-Generalship?—Yes ; but the point was raised, as I say, by Sir Julius Vogel on the 7th November, and the Government were in possession of it ; and what appears to me is this : when Sir John Hall, in the telegram, shows his anxiety about the loan, if he were determined to use Sir Julius Vogel's services, and still keep him hanging on to office, he should have said then, plainly, "No commission."

166. In your evidence I had the idea that you alluded to the retirement mentioned prior to the 7th November as referring to the Agent-Generalship, and not to the directorship?—No ; I think it clearly refers to the directorship.

167. And the suggestion of retirement from the Agent-Generalship, in your opinion, came from Sir Julius Vogel?—Yes.

168. *Mr. Samuel.*] You say, and very emphatically, that, in your opinion, Sir Julius Vogel has a good claim to the extent of commission of $\frac{1}{3}$ per cent., less the amount of salary received by him subsequent to the 11th November, the date of the telegram?—Yes.

169. You say also that you think he has a good claim for compensation in respect of his loss of the office of Agent under the Inscription of Stock Act. Do you say that the second claim is in addition to the first or alternative?—I think it is clearly in addition ; and I would say that, as far as I am able to judge of such things, though in the opinion of the Government the claim for commission was held not to be tenable because technically he continued to be Agent-General—although I say in spirit he had ceased—I think, even if that claim is to be admitted, the claim for compensation is infinitely greater : a good solid claim, as to which the other is as nothing in amount. I think the appointment was clearly promised by the Premier of the colony, and that it is no answer to that to say, "Parliament would not let us." They were bound to do it ; it was a thing upon which the Government should have gone out. In my opinion it is a thing upon which in any Court of justice the damages would come to a very large amount—for the injury sustained by any one who was promised such an appointment, whose information was obtained, whose brains were picked, and who then was turned back on the plea of granting lesser powers ; and, although the same powers are given, he is shunted, after having been promised the appointment as compensation for his services by the Premier of the colony. I say the claim to commission is as nothing compared to that.

170. You have applied by analogy to appeal to, and assessment of, a jury ; possibly I may be allowed to put it in this way : Upon the first count, that for commission, you have already told us what would be your finding, so to speak. Can you tell us what would be your finding on the second, supposing you had already found on the first?—I can only tell the Committee what I think in general terms ; as to the *quantum* I say nothing except this, that in respect to the claim, as I understand it in the figures put forward by Sir Julius Vogel, I think it is very moderate.

171. But you would go to this extent : that you think the damages should be substantial, in addition to the other?—I do, indeed. I have not the shadow of a doubt in my mind upon that.

172. *The Chairman.*] There is one question as to this letter of Sir John Hall's being a private letter : how far do you think that would be binding on the Government?—Of course, that is a new point. I do not know, but I have to take that as it is before me. Let me explain, by analogy,