

*The Commissioner* : Yes, I understand.

*Colonel Fox* : You have already been good enough to accept my assurance, and to agree with me that no one in a conversation could have gathered the information which has appeared in the *Post*, and I question your right to ask me about any private conversations which I may have had with any friends of my own.

*The Commissioner* : I quite agree with you, Colonel Fox, that the article which appeared in the *Post* and in the Press Association telegrams could not possibly have been written as the result of a conversation, or a series of conversations, on the matter.

*Colonel Fox* : No ; I could not have written it myself.

[Colonel Fox here intimated to the Commissioner that it might be necessary for him to give in evidence a short statement of what had been written in a preamble of a certain letter of his to the Premier. He, perhaps, would have to do so to clear himself from all imputation in the matter. Unless the Commissioner would give him (Colonel Fox) a direct assurance that he as Commissioner did not consider it possible that he (Colonel Fox) had anything to do with the divulging of the contents of the letters, or the publication of the memorandum which had appeared in the *Post*, he should otherwise have to show that such a thing was practically impossible.

*The Commissioner* replied that it was, of course, quite premature on his part to express any opinion until the evidence was concluded, and the facts to be deduced from the evidence carefully considered. He could express no official opinion, but he could assure Colonel Fox that no evidence had so far been brought before him which would lead him to conclude that Colonel Fox had any connection, either privately or officially, with the publication of the paragraph which had appeared in the *Post*. But if such evidence were brought before him he would give him due notice of the fact, and would subject him to re-examination, so as to give the witness an opportunity of placing the facts before the Commission, which would tend to clear himself from all imputation.

HON. RICHARD JOHN SEDDON sworn and examined.

[Before giving evidence, the witness asked that Colonel Fox should be present, if he so wished.]

26. *The Commissioner*.] Would you kindly give a short statement of the receipt of the letters referred to in the Commission?—I am the Defence Minister of the colony. On or about the 25th March, 1894, on arrival at Helensville—having been absent from Wellington since, I think, the 26th February—a number of letters, contained in envelopes, arrived. My secretary, Mr. Andrews, was present. Amongst those letters was a large envelope, containing letters from Colonel Fox. There was a covering letter, and a letter marked X, and another without any mark, all of the same date—namely, 16th March. I perused the letters, and handed them over to Mr. Andrews, with instructions to send them down to Sir Patrick Buckley, who was then the senior Minister in Wellington. I then sent a telegram to Sir Patrick Buckley—as far as my memory serves me—to say that the letters would be sent on to him. I also sent one to him to say that Colonel Fox had conditionally offered to sever his connection with the Service.

27. You sent that by wire?—Yes, I believe it was in a cipher telegram. I do not know whether Sir Patrick has kept his copy. I did not keep mine: we do not, as a rule, keep communications that pass by wire between Ministers. As regards the letter which, I presume, was intended to be marked Y, of the same date—to identify it I would say, the letter giving reasons for making the offer—that letter I neither by letter, telegram, nor word of mouth mentioned to any one. I did not make known a single letter of its contents.

28. You gave no authority to any one to divulge any of the contents?—No.

29. Did you warn any of your secretaries that they were not to be divulged?—Yes. I gave Mr. Andrews, the Secretary alone present, strict instructions that they were to be kept confidential. I think the words I used were, “That is very important: you had better be careful with it.”

30. What was the first intimation you had of Colonel Fox's resignation?—I believe it was a telegram I received from one of the Ministers to the effect that there was a statement in a paper that Colonel Fox had resigned. I then replied distinctly that Colonel Fox had not resigned, and added, “You are at liberty to publicly contradict it.” I may say that after I left Helensville I went across to Warkworth, and from there to Auckland, arriving at Auckland about the 28th March. I have since ascertained that Mr. Andrews did not post the letter at Helensville; he posted it in Auckland, after our arrival there.

31. Do I understand that it was the letter from Colonel Fox, giving his reasons, that appeared in the *Post*?—Yes; and the publication of that I consider to have been a breach of the Official Secrets Act, if not according to the letter of the law, at all events to the spirit of the law. In that publication the actual words—in many places whole paragraphs—of the letter were copied. And I am positive that whoever put that paragraph there had either a copy of the letter or the letter itself before him. They have, evidently to deceive people, transposed certain paragraphs—for instance, paragraph 14 might be put in the place of paragraph 3, and so on—but the actual wording of the paragraphs is there: so that the information could not have been obtained by some one merely telling the reporter what was in the letter. I myself did not divulge the contents of the letter to my own colleagues.

32. Mr. Andrews had official custody of the letter?—Yes. The day after I arrived in Auckland I left for Whakatane, and went through the Maori country, and I was not aware of the complete publication of that until I got back to Wellington and saw a copy of the *Post*. The moment I saw it I knew that it had been taken from the letter or a copy of the letter.

33. Had you been approached by any newspaper representative in Auckland seeking information in reference to Colonel Fox's resignation?—Yes, a newspaper man asked me in Auckland; but I put him off definitely by saying, “It is all nonsense: Colonel Fox has not resigned.”

34. Do you know the reporter's name. I think it was Mr. Leys who was the newspaper representative. If you will search the files you will see that I gave a denial of the whole thing. I