

1894.
NEW ZEALAND.

FOX CORRESPONDENCE COMMISSION.

REPORT BY THE ROYAL COMMISSIONER ON THE FOX CORRESPONDENCE, TOGETHER WITH MINUTES OF EVIDENCE; ALSO DECLARATION BY MR. E. T. GILLON, EDITOR OF THE *EVENING POST*, WITH REFERENCE TO THE CORRESPONDENCE.

Laid on the Table of the House of Representatives by the Hon. Mr. Seddon with the leave of the House.

To His Excellency the Right Honourable David, Earl of Glasgow, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—

Under the Commission issued by your Excellency, and dated the 24th April, 1894, and extended by a Commission dated the 4th June, 1894, I, the Commissioner duly appointed for the purpose of inquiring into and reporting upon the circumstances attending the publication of the contents of Colonel Fox's letters to the Premier in the *Evening Post* newspaper of the 4th April, 1894, have the honour to report as follows:—

The letters of Colonel Fox to the Premier, which form the subject-matter of this inquiry, were written on the 16th March, 1894. Colonel Fox kept a rough draft of them, and press copies of them appear in the official letter-book of the department. The original letters were posted on the 16th March to the Hon. the Premier at Auckland. Although there is no doubt that some of the salient features of these letters were known to Colonel Hume, Colonel Newall, Captain Coleman, and several other gentlemen, through Colonel Fox, the original letters, the press copies, or the rough drafts were never seen by any of them until after the 4th April, and unless they had seen them prior to the 4th April it was quite impossible for any of them to have given to the *Evening Post* the information contained in its issue of the 4th April, the wording of which is, word for word and paragraph for paragraph, almost identical with the original letters, with the exception that the paragraphs as they appear in the *Evening Post* do not appear in the same sequence as in the original letters. Had a representative of the newspaper in question been able to obtain access to either of these three sources of information prior to the 4th April, the probability is that the information so obtained would have been published immediately. It is clear that, although Mr. Hoben, a reporter of the *Evening Post*, may have ascertained from outside sources a good deal of information concerning the contents of Colonel Fox's letters, I do not think it possible that any person connected with the *Evening Post* could have obtained access to these letters, or to any copies or drafts of them, prior to the 4th April. Colonel Fox's evidence clearly shows that the rough drafts never left his possession, and in his evidence he states that "they were locked up from that time, and nobody has seen my rough copies." The official letter-book of the office containing the press copies was locked up every night, and was not shown to any unauthorised person. There is also the sworn evidence of Colonel Fox to the effect that, in a conversation with Mr. Hoben, he (Colonel Fox) said, "I should be very much obliged if you would give me a direct assurance, if you can do so, that the information has not come from my office." Mr. Hoben replied, "You may take my word for it that the information has not come from the Defence Office." Had it been possible for the information contained in the *Evening Post* of the 4th April to have been obtained from the rough drafts in Colonel Fox's possession, or from the press copies in the official letter-book of the department, it would have been possible for it to have been obtained prior to the 4th April, and there would therefore have been no necessity for Mr. Hoben to interview Sir Patrick Buckley on the morning of the 4th April in order to obtain the required information. I am of opinion that the only manner in which the information could have been obtained was through the medium of some person having the custody or control of the *original* letters.

It is important to note that on the morning of the date of the publication of these letters—namely, the 4th April—the Chief Messenger's record-book records the fact that at 10.10 a.m. Messenger Mason left the Government Buildings with a lot of letters for delivery in town. Amongst these letters was one addressed to the *Evening Post*, and one for W. H. Attack. The letter addressed to Mr. Attack contained information from the Registrar-General's Department regarding agricultural statistics. Although I have made very diligent inquiry, I have not been able to ascertain what information was contained in the letter addressed to the *Evening Post*, but I find that it did not

contain the Fox correspondence. The probability is that it was an advertisement regarding some matter totally unconnected with this inquiry. To assume that it did contain the Fox correspondence is to assume that the information was stolen, and that the letter addressed by the Premier to Sir Patrick Buckley was surreptitiously opened before it reached Sir Patrick Buckley's hands; but there is no evidence to show that the *Evening Post* obtained this information in an unauthorised or in an improper manner. Messenger Mason is quite positive that he delivered the letter either to Mr. Georgeson or to Mr. Kirker, of the *Evening Post* commercial staff. Both these gentlemen have sworn that they never opened any letter containing the Fox correspondence, and, as this letter was undoubtedly delivered to one of the two, it naturally follows that that letter did not contain the Fox correspondence. The evidence of Mr. George Humphries and Mr. Gibbons (chief reporter of the *Evening Post*), and the letter of Mr. Gillon to the Commissioner, is clearly to the effect that the *Evening Post* did not obtain the information in an improper manner, and I have no reason to suppose that their statements are in any way contrary to fact. The expert evidence of Mr. Humphries, Mr. Gibbons, Mr. Atack, and Mr. Leys (the editor of the *Auckland Star*), clearly defined that the usual mode of procedure that would be adopted by the representative of any newspaper endeavouring to obtain important information of this nature would be first to approach the Minister, and, in his absence, the head of the department or the officer in charge; and no evidence whatever has been adduced to show that the usual course of procedure has been departed from in order to obtain this information. Therefore, although Mr. Gillon or Mr. Hoben did not appear to give evidence in answer to my summons, I did not consider it right or proper that they should be proceeded against. When I issued the summonses to Messrs. Gillon and Hoben, I had reason to believe that they would not attend and give evidence. Nevertheless I deemed it my duty to issue the summonses, in case they were desirous of explaining anything to the Commission. Had I not done so, they might at a subsequent period have stated that they were perfectly willing to come forward and give evidence had they been officially requested to do so.

The original letters were written on the evening of the 16th March; and after press copies of them had been taken in the official letter-book they were enclosed in an envelope, addressed to the Hon. the Premier, Auckland, taken down to the "Manapouri" by William McGoldrick, clerk in the Defence Office, and given into the charge of William Nancarrow, the purser. Mr. Nancarrow delivered the envelope to George Moulder, the Head Messenger of the Chief Post-office at Auckland, on the arrival of the "Manapouri," on the morning of the 19th March, at Auckland. Moulder delivered it to J. R. Hooper, a clerk in the Post-office, who laid it on the primary sorting-table. It was taken off the primary sorting-table by Henry Thomas, clerk in the Post-office, and placed in the Ministerial private box No. 213 on the same date. The letter was taken out of the private box No. 213 the same day by Charles Robinson, caretaker of the Government Buildings at Auckland, and was placed by him on the table in the Ministers' room in the Government Buildings, Auckland. This room was kept carefully locked, and the letter remained there until the 24th March, when, in response to a telegram from Mr. T. H. Hamer, the Private Secretary to the Hon. the Premier, this letter, with others, was enclosed in a packet by Robinson, handed by him to Milly Isabel Porter, stamp clerk, Chief Post-office, Auckland, for registration, and was duly registered. It was taken from Miss Porter's charge by A. E. Bedford, a clerk in the Post-office, and by him put into the Helensville mail-bag, on Saturday afternoon, the 24th March, and forwarded to the Hon. R. J. Seddon at Helensville. The registered package was received at Helensville about 7.25 p.m. on the same date—viz., 24th March—and was delivered to Mr. Hamer personally between 7.30 and 8 p.m. on the same date. The package was opened by Mr. Hamer, and handed to the Premier, who, after reading the letters, handed them to Mr. Andrews, his Shorthand Writer, with instructions to forward them to Sir Patrick Buckley, at Wellington. Mr. Andrews put them in his portfolio, and placed the portfolio in a tin box. He locked the box, and gave it into the charge of Mr. Hamer, who brought it to Auckland on Monday, 26th March. Mr. Andrews went with the Premier to Warkworth, and did not arrive in Auckland until the evening of Tuesday, 27th March, when he received the locked box from Mr. Hamer. On Wednesday, 28th March, Mr. Andrews opened the box, and took the portfolio out of it, and took the letter from the portfolio, placed it in an envelope, and addressed it to Sir Patrick Buckley, at Wellington, marking it "Confidential." He then posted it personally at the Chief Post-office, Auckland, before noon on Wednesday, 28th March. The letter was despatched from the Chief Post-office, Auckland, per "Gairloch," for New Plymouth, on the 29th March. The "Gairloch" failed to connect with the express at New Plymouth on the morning of Friday, 30th March, and, in consequence, the letter did not reach Wellington until Saturday night, 31st March. On Sunday, 1st April, that mail was sorted, and the letter was placed in the private box of the firm of Messrs. Buckley, Stafford, and Treadwell, solicitors, Wellington. On the morning of Monday, 2nd April, the letter was taken out of the private box of the firm—most probably by Mr. Sydney Stafford—and placed on the accountant's table, and soon afterwards transferred to Sir Patrick Buckley's table, in the firm's office, by Alfred Pedder, office-boy. On that same morning—viz., 2nd April—the letter was taken off Sir Patrick Buckley's table, in the firm's office, by James Sandbrook, Sir Patrick Buckley's official messenger, and was placed by him on Sir Patrick Buckley's table, in his room at the Government Buildings. There the letter remained, unopened, until the morning of Wednesday, 4th April, on account of Sir Patrick Buckley's absence from Wellington. The letter was first opened by Sir Patrick Buckley on the 4th April, at about 10 a.m., or shortly afterwards. A few minutes afterwards the Hon. Mr. Ward went into Sir Patrick Buckley's room, and was informed by him that the Fox letters had arrived. They were handed to the Hon. Mr. Ward by Sir Patrick Buckley, and Mr. Ward then went to his own room direct, bringing the letters with him. He read the letters, and then gave them to his Private Secretary, Mr. Hyde, with instructions to have them "sent along to Sir Patrick Buckley at once." Mr. Hyde returned the letter to Sir Patrick Buckley at once, per Thomas Redmond, messenger to the Hon. Mr. Ward. Sir Patrick Buckley took the letters out of the envelope and placed them in another one, and addressed the envelope to the Hon.

the Premier, and gave it to Sandbrook, his messenger, with instructions to leave it in Mr. Seddon's room. Mr. Seddon being away, Sandbrook left the letter on the table in Mr. Seddon's room, as directed. A few minutes afterwards Sir Patrick Buckley requested Sandbrook to bring the letter back again. Sandbrook found the letter on the table in Mr. Seddon's room, in the same condition in which he left it, and returned with it to Sir Patrick Buckley within five minutes of the time he had first placed it there. Sandbrook knew that the envelope contained Colonel Fox's letters, as Sir Patrick Buckley told him so before he took the letters into the Premier's room. When Sir Patrick Buckley received the envelope, addressed to the Premier, from the Premier's room, he placed the Hon. Mr. Cadman's name on the corner of the envelope in the presence of Sandbrook, and Sandbrook delivered it by leaving it on Mr. Cadman's table, in his room at the Government Buildings. It is clear to me that the letters in question were first placed in Mr. Cadman's room by Sandbrook before 11 o'clock on the 4th April, and that they were contained in an envelope, addressed to the Premier, and marked "Confidential" in one corner, and "For Mr. Cadman" in the other corner. In proof of this very important point, I think it is advisable to quote some extracts from the evidence of Messenger Sandbrook, who delivered the letter:—

"I know it was the letter [that is, the letter containing the Fox correspondence], because Sir Patrick Buckley told me so."

"He gave it to me to take to Mr. Seddon's room, to be left there until Mr. Seddon's return. That was after Sir Patrick Buckley had read it himself. After a few minutes he sent me back to Mr. Seddon's room for it, and he told me to take it to Mr. Cadman."

"But when Sir Patrick sent it to Mr. Seddon's room it was marked 'Confidential.'"

"So he (Sir Patrick) looked at it a bit and then said, 'Just take that to Mr. Seddon's room and see that it is left there.' He then sealed it up and marked it 'Confidential.'"

"Mr. Seddon's messenger was not there just at that time, so I put it on the table myself. In a few minutes Sir Patrick rang his bell and asked me to fetch the letter back again."

"And when Sir Patrick finished reading it, he told me what it was about."

The Commissioner: "Do I understand you to say that he told you, before you took the letter to the Premier's room, that the envelope contained Colonel Fox's report or letters?—Yes."

"I took it back straight to Sir Patrick Buckley, and he put Mr. Cadman's name on it in my presence, and told me to take it to Mr. Cadman. I took it to Mr. Cadman."

"I believe I laid it on his table."

"I should think it must have been after 10 o'clock."

"Was it before 11?—I think it was, but I am not positive."

"Was it opened again by him?—No; I think he just wrote Mr. Cadman's name on the back, and said to me, 'Tell Mr. Cadman that is the letter.'"

"Did you tell Mr. Cadman that was the letter?—No, but I think I told some one a few minutes afterwards that I had left a letter on Mr. Cadman's table."

"Do you think that the letter you left on Mr. Cadman's table was addressed to the Premier, with Mr. Cadman's name on the corner?—I imagine so, because I do not think that Sir Patrick had time to put it into another envelope. I think he gave it to me quickly. I would not swear to it, but I imagine so."

"You told the Commission yesterday that to the best of your belief the letter was addressed to the Hon. Mr. Seddon; you took it off Mr. Seddon's table and brought it back to Sir Patrick Buckley; and that Sir Patrick addressed it in the corner to the Hon. Mr. Cadman?—I still think so—for this reason: It was hardly an instant before Sir Patrick gave it back to me and said, 'Give that to Mr. Cadman, and tell him that is the letter.' He could not have had time, I think, to put it in a fresh envelope and address it afresh."

"Was the letter you took into Mr. Cadman's room marked 'Confidential'?—I would not be sure, but I imagine so, because it was marked 'Confidential' when I took it into Mr. Seddon's room."

"Then, do I understand that, so far as you believe, it was marked 'Confidential' in one corner, and 'Mr. Cadman' in the other?—I believe so."

It is evident that Mr. Cadman was not in his room when the letter was first left on his table, and it is clear from the evidence that Sir Patrick Buckley went into Mr. Cadman's room shortly after the letter was laid on Mr. Cadman's table by Sandbrook, and that he saw it on Mr. Cadman's table unopened. The Hon. Mr. Cadman's evidence is to the effect that on the morning of the 4th April Sir Patrick Buckley entered his (Mr. Cadman's) office, and mentioned the fact of his having received the Fox letters from the Premier, and that he told him he would send them along for him to read. About the time when Sir Patrick Buckley saw the Fox letters on Mr. Cadman's table (in an envelope, as appears from Sandbrook's evidence, addressed to the Premier, and marked "Confidential" in one corner, and "Mr. Cadman" in the other), the envelope containing the letters mysteriously disappeared from Mr. Cadman's room, and Mr. Cadman was not aware that it had ever been in his room. The letters were not returned to his room until the afternoon of the 4th April; and when they reached Mr. Cadman's room the second time they were not contained in an envelope addressed to the "Hon. the Premier," and marked "Confidential" in one corner, and "Hon. Mr. Cadman" in the other, but in another envelope, addressed, in the handwriting of Sir Patrick Buckley, to the "Hon. A. J. Cadman," and marked "Confidential." That envelope was, I believe, the one seen on the table in the afternoon by Mr. Wilson, Private Secretary to the Hon. Mr. Cadman, and it was not opened until the 5th April. I find that while he was in Cabinet the second letter was left in Mr. Cadman's room; that he remained in Cabinet until 5 o'clock, and simply went into his room and got his hat, and went to dinner. After dinner he read the contents of the letters in the *Evening Post* newspaper, and when he returned to his office that evening he saw the letter on his table, and did not open it at all, but took it into the Cabinet meeting on the morning of the 5th April, unopened. Mr. Cadman handed the letter to the Hon. Mr. Ward in the Cabinet room, unopened; Mr. Ward passed it on to the Hon. Mr. McKenzie,

who opened it, and it was then seen by Messrs. McKenzie and Cadman for the first time, and handed to Sir Patrick Buckley, who gave it, with another letter, to Charles Burgess, the Premier's messenger, telling him to give the letters into Mr. Seddon's own hands. Both the letters were placed in another envelope by Burgess, who wrote on the outside of the envelope, "Letters from Sir Patrick Buckley, to be given to Mr. Seddon himself." On Mr. Seddon's return they were duly delivered to him by Burgess.

From a careful analysis of the evidence I am led to believe that the information was given to the *Evening Post* between the time when the letters mysteriously disappeared from Mr. Cadman's table—i.e., about 11 a.m.—and the time when they were relaid on Mr. Cadman's table in another envelope, before 2.30 p.m. on the afternoon of the 4th April, and that during at least a portion of that time the letters were in Sir Patrick Buckley's custody, or under his control. A careful analysis of the sworn evidence will prove that the information could only have been obtained by the *Evening Post* from the original letters on the 4th April, and during the time specified.

Herewith I beg to return to your Excellency the Commission issued to me, also to enclose the minutes of the proceedings, and the sworn evidence taken before me as Commissioner.

All this is respectfully presented to your Excellency.

Signed and sealed this 20th day of June, 1894.

C. O'HARA SMITH.

MINUTES OF EVIDENCE.

FRIDAY, 4TH MAY, 1894.

The Commission was read in the presence of Lieut.-Colonel Fox.

Lieut.-Colonel FRANCIS JAMES FOX sworn and examined.

1. *The Commissioner.*] I think it would be best for you to kindly give me a brief statement yourself, Colonel Fox, of the writing of the letter in question, the despatch of the letter, and anything you know in connection with it?—The letters were written by me on 16th March. At about 4 p.m. on that day I handed two of them to Mr. Royal to be copied, making a fair copy myself of the third. These copies were completed barely in sufficient time to be pressed, and sent down by a messenger, and posted on board the steamer which was leaving—at 5 p.m., I think—for Auckland.

2. Were three separate copies written and three separate press copies taken?—No; the copies which were in existence were—my rough drafts, the copies which were made and forwarded to the Premier, and the copies pressed in the letter-book from those made and sent to the Premier.

3. Then there were three letters sent to the Premier?—Yes.

4. Were they registered?—That I do not know. They were handed to my clerk, and, to the best of my belief, posted on board the steamer.

5. Were they press-copied in the ordinary letter-book of the office?—Yes; there is only one press-copy book in the office for letters.

6. Have you the rough copies?—Yes; they have been in my possession ever since.

7. You had no authority from the Defence Minister or anybody else, I presume, to disclose the nature of those letters to any one?—No authority.

8. Were you ever asked for any information?—I was asked by an *Evening Post* reporter for information, and I told him it was absolutely impossible for me to give him any information.

9. Who was the reporter?—I think his name was Hoben.

10. Did he seem to be aware you had written these letters at all?—No; but he was aware it had been published in some paper that I had resigned; and he asked me if it was true that I had resigned, and, if so, for what reason, or under what circumstances? I told him I could not inform him whether I had resigned or not, and that I could give him no reasons for a thing I did not acknowledge to have taken place. Those were the terms of my answer to him. That conversation took place, to the best of my belief, on the Tuesday after Easter.

11. You carefully retained the rough drafts of your letters in your own possession?—Yes; they have been locked up from that time to this.

12. I presume you have not divulged the contents of them to anybody?—No.

12A. I suppose, as is usual in the Government offices, all letters pressed in the letter-book are accessible to any clerk in the office?—Yes; I believe that is the case.

13. So far as you are aware, you have not given the substance of the letters to any person?—Nobody has seen my rough copies, and I have not informed anybody that could possibly give information to the papers on the subject. The office-copies have, to the best of my belief, been kept under lock and key, and in my opinion it is perfectly impossible that the publication which appeared in the *Evening Post* could have so appeared without access to copies of my letters, unless some person communicated the information to the *Post* or to the person who wrote the article for the *Post*.

14. Is the press-copy book usually kept in your own private office?—No; it is kept in the clerks' room. They will be able to explain that.

15. So far as you are aware, you have not even inadvertently mentioned the contents of the letter to any one?—No. It is absolutely impossible for any one I have spoken to to have gathered anything like sufficient to have written that article.

16. Can you think of anything else yourself which might throw any further light on the subject?—Yes; if you ask me to do that, I might be able to do so. On the morning after the letters were published I saw Mr. Hoben in the Government Buildings, and I said to him, "Can you inform me how those letters or that information came into your possession?" Of course, he said,

No, he could not. I then said to him, "Will you give me an answer to a direct question? I see that you state in your paper that copies of my letters have been received in Wellington. Are you absolutely certain of that fact?" He replied, "Not only am I certain that they have arrived, but I knew they were coming." I then said to him, "I have perfect confidence in my own clerks; but the matter is a very disagreeable one, and some one must have let out the information. I should be very much obliged if you would give me a direct assurance—if you can do so—that the information has not come from my office." He replied, "You may take my word for it that the information has not come from the Defence Office." I would now personally like to state that I have every confidence in the integrity of my clerks. They had my official report in their possession practically from the middle of February up to the middle of June last year, and it was kept absolutely quiet.

Lieut.-Colonel Fox re-examined.

17. *The Commissioner.*] Do you consider the publication of your letters without authority a violation of the Official and Colonial Defences Secrets Act?—I am not really prepared to answer that. I have not gone into the question, and could not give an opinion.

18. Would you like to look up the Act and give me your opinion? I have a copy here?—Yes, I will do so. [After looking at the Act, Colonel Fox answered:] If the information was given by officials belonging to my department, then I consider such officials would probably come under that Act.

19. Did you send any copy of the letter to His Excellency the Governor prior to the 4th April?—No; I have told you of the only copies that were in existence. If I might, I would draw your attention to a fact that might be of use to you, possibly. If you will look at the information published in the *Post*, and compare that information with what was telegraphed over the colony by the Press Association, you will find that it differs, and it only differs in one place. Now, this is what the *Post* has published: "That the Premier sent an officer of his department to make extracts." The sentence telegraphed by the Press Association is precisely the same, except that it states that the Premier sent his Acting Under-Secretary of Defence. Now, it is a very curious thing that the Press Association is the nearest to the actual wording of my letter. In the publication by the Press Association the words are altered back to what was in my letter; and I think this almost is a fair ground for the conclusion that there must have been a memorandum of some sort, which was altered, as I have pointed out, by the *Post*. Then the Press Association evidently got hold of the memorandum, and sent the actual wording over the colony.

Lieut.-Colonel Fox re-examined.

20. In the course of your previous examination, I understood that in your conversation with Mr. Hoben he gave you his assurance that the information did not come from the Defence Office?—Yes.

21. Did you gather from his conversation that he had obtained the information in a perfectly straightforward, honourable, and legitimate way, according to the accepted views on the subject by newspaper men?—He absolutely refused to reply to my question asking him how he got the information, so that you will understand it is perfectly impossible for me to answer that question.

22. Did he leave an impression on your mind that he had obtained it in an improper manner?—There was no impression left on my mind, because I asked him a question, being perfectly certain in my own mind that he would not reply to it; and the answer which he gave was the one I expected, and which therefore left no further impression on my mind. I may add to that that I was rather surprised at his answering my succeeding question in the way he did.

23. Did you form the opinion that he was the man who obtained the information?—I cannot say that I did, though I suppose I must have, because he said definitely that he did not receive the information from the Defence Office. I do not, of course, wish to say that that is an opinion of mine, because I cannot form an opinion on the matter.

24. You thought it probable?—What I did receive from him was an assurance that the information had not been got from the Defence Department.

25. Would you kindly tell me to whom you intimated your intention to resign before the publication of the thing in the *Post*. It appears before me in evidence that before the publication in the *Evening Post* of your proposed resignation the fact was known to others, and through you?—The information that it was probable I should resign, and on certain conditions, could possibly have been obtained through several officers and gentlemen whom I had taken into my confidence, whose opinion I had asked, and whom I had consulted as regards a very grave step which I was then contemplating. I may say that the fact that I was contemplating resignation was not looked upon by me as an absolutely confidential matter. That the fact had been contemplated by others than myself is shown by the fact that the opinion was expressed to me that there was no other course open to me but to resign. The matter of my resignation was fully discussed by me some time prior to the 16th March with Colonel Newall and one or two other gentlemen interested in defence matters. The fact that I had resigned was known to Colonel Newall, Captain Coleman, and, I think, Colonel Hume; and I have spoken on the subject of my resignation and reasons to Colonel Newall, and, I believe, to Colonel Hume, also to several other gentlemen, friends of mine. These conversations were absolutely confidential, and, as I have said before in evidence, no one to whom I have spoken could possibly have supplied the information which has been published in the *Post*, and other papers in the colony. The rough drafts of my letter, as I have already sworn, have never been out of my possession. I should like to say, in connection with the statement I have made, that I have made it with the desire of assisting you, Sir, as Commissioner, to the best of my power; but I should question your right to examine me on any confidential statements or conversations which I may have had with any gentlemen. Because I have spoken confidentially to any personal friends of my own, is it reasonable that they should be brought before this Commission? I hardly admit it. I hope you understand what I mean, Sir?

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

consider that letter of the 16th March, giving reasons for resignation, opens up to the world the state of the defences of New Zealand, and tells the world that we have no defences practically.

35. Do you, as Defence Minister, consider the publication without authority of those important documents to be a violation of the Official and Colonial Defences Secrets Act of 1891?—I think any document such as the letter of the 16th March, in which Colonel Fox gives his reasons, and stating the condition of the defences of the colony, would come under the scope of that Act. I consider the publication of the letter was a breach of the Act, because it practically exposes the state of the defences from Colonel Fox's point of view. The other letters I do not think would come under the Act. There is no doubt in my mind that the information was put in the paper to injure the Government.

Colonel Fox: Well, I take it that the information was published to injure me.

36. *The Commissioner*.] Is there any other evidence you could suggest that might throw any light upon the matter?—No; I can think of nothing.

Hon. R. J. SEDDON re-examined.

On my return to Wellington after the 4th April I received from Charles Burgess a large envelope enclosing two other envelopes containing papers. On the face of the large envelope it was stated "From Sir Patrick Buckley, to be delivered to Mr. Seddon personally," or words to that effect. In handing the letters to me, Burgess stated that he had been instructed by Sir Patrick Buckley to give them to me personally, and that was why he was so careful about them. He took them out of a locked drawer. I believe the envelope was dated the 5th April. These letters contained the Fox correspondence and a note from Sir Patrick Buckley, and some newspaper clippings. The note from Sir Patrick Buckley was an explanation regarding this correspondence, and also notes of an interview, I believe, with Mr. Hoben, on a telegraph form, as to what had taken place in reference to the Fox correspondence. The notes I was afterwards asked by Sir Patrick Buckley to return; and I put them in an envelope addressed to Sir Patrick Buckley, and gave them to Mr. Hugh Pollen, and asked him to deliver them personally to Sir Patrick Buckley. I subsequently received a telegram from Sir Patrick, from Rotorua, asking for those notes, as he would require them when giving evidence. To this I replied that I had left them with Mr. Pollen for him. The Fox letters I retained, and they were identical with the ones I produced to the Commissioner. The clippings were the paragraphs that appeared in the *Post* both before and after the publication of the letters, and the *Post's* own account of the contents of the letters.

Hon. ALFRED JEROME CADMAN sworn and examined.

37. *The Commissioner*.] Will you kindly give me briefly the whole of the circumstances in connection with the receipt of Colonel Fox's letters by you, and anything you know about them?—I know little or nothing. The first I saw of the letter in question was after it had been published in the *Evening Post*. I certainly knew that Colonel Fox had written to the Premier; I knew also that the letter had been sent by the Premier to Sir Patrick Buckley: but I did not see the letter itself until after its publication in the *Post*. On the morning of the day on which it appeared in the *Post* Sir Patrick Buckley was in my office, and mentioned the fact of his having received the letter from the Premier, and he told me he would send it along for me to read. On that afternoon, I think, we were engaged most of the time at a Cabinet meeting, and while in Cabinet a letter went to my room. It was addressed to me, and, if I remember rightly, it was marked "Confidential" on the envelope. We remained in Cabinet until some time after 5 o'clock, I think, so that I simply went into my room after the meeting, got my hat, and went to dinner. At home, of course, I got a newspaper, and saw what appeared. I then immediately rang up Sir Patrick Buckley on the telephone, and asked him if I had not understood in the morning that Colonel Fox's letter was confidential. He replied, "Yes. It was so." I asked him if he had seen the contents of it in the paper, and if what appeared in the *Post* was correct. As nearly as I can remember now, he said the letter certainly was confidential, and that what appeared in the *Post* was virtually correct. I am in the habit of going back to my office at least five nights out of the week, and on returning to my office that evening I saw the letter on my table, and I decided not to open it at all. In fact, I took the letter with me into Cabinet meeting next morning. It was there opened, and that is the first I saw of the letter. That is virtually all I know about it.

38. In whose writing was the envelope addressed?—I think it was in Sir Patrick's own handwriting, but I cannot be positive.

39. You cannot say positively?—I feel almost sure it was, because we get a good many letters marked "Confidential" on the top, and addressed in Ministers' own handwriting.

40. What became of the envelope when the letter was taken out in the Cabinet-room?—I presume it was put in the waste-paper basket, but I do not know.

41. Did you examine the document carefully, to see that the letter had not been tampered with before?—Yes, I did. Having seen what was in the paper, I felt a sort of misgiving about the thing coming out, and I felt there was no necessity for me to open it then, so that nothing could reflect on me in the way of giving it out. I may say there has lately been that feeling amongst Ministers when information has got about, and I did not open it for that reason.

42. Did it appear there was anything unusual about the envelope which would lead you to think it might have been opened previously?—I could not think, from what I saw, that it ever had been tampered with; but I merely looked at it, as any one would, seeing that there was a little mystery about the way the information had got out.

43. Do you know who brought the letter to your room?—No. It came into my room while I was at the Cabinet meeting. Sir Patrick Buckley's messenger would probably have brought it?

44. Who is your Private Secretary?—Mr. Wilson.

45. And who is your messenger?—Sampson. He might remember, though he has so many letters brought to him that it might be difficult for him to remember this one.

46. Sandbrook is Sir Patrick's messenger, is he not?—I think so.

47. Were you aware that the letter was coming down from Auckland?—I do not think so. I knew when it had come, because Sir Patrick Buckley told us. We did not look upon the letter as of great importance at the time. I did not know that it was anything more than any ordinary letter coming and going between the Premier and Ministers.

48. What was the first intimation you had that there was a probability of Colonel Fox resigning?—Something appeared in one of the papers. I do not know which paper it was. It must have been a comment on this very letter.

49. Did you give up official custody of the letter when in the Cabinet room?—Yes. I think Sir Patrick took it again.

50. Did you see any representatives of Wellington newspapers that morning?—I do not think I did; but just as likely as not I did.

51. Did you tell Mr. Hoben such a letter had arrived?—I think not; but if he asked me about the letters I should probably tell him to go to Sir Patrick Buckley. I cannot say I remember telling any one. However, the newspaper men are at us all day long as a rule, and we generally refer them to another Minister on matters connected with that Minister's department, just to get rid of them. Mr. Hoben would be the only reporter to see me that day, I think, except, perhaps, Mr. Geddis, of the morning paper.

52. If any newspaper representatives had asked you about the letters, prior to the publication in the *Post* of the 4th April, would you be likely to have told them they had arrived?—I do not think it is likely; but I may possibly have told them, and if they had arrived, probably the first thing I should do would be to send them to Sir Patrick Buckley for information.

53. I suppose you do not know of anything else that would be likely to throw any light on the subject?—No. I literally knew nothing about the thing before it was published. I was busy dealing with other things, and unless a matter is in my own department, as a rule, I do not give it a second thought.

Hon. A. J. CADMAN re-examined.

54. *The Commissioner.*] I want you to carry your mind back to the 4th April, and the receipt of a letter which you did not open then, but which you subsequently opened in Cabinet?—I cannot remember the date.

55. It was the date of the publication of the letter in the *Post*. Can you recollect if the letter was addressed to you or to Mr. Seddon?—It was addressed to me, and there was the word "Confidential" written on its right-hand corner, I think—or, perhaps, more towards the middle of the envelope.

56. You believe the letter was addressed to yourself, and not to Mr. Seddon?—I am positive of that.

57. Was your name on the corner of the letter?—No; the letter was in a large envelope, and my name was written in the ordinary way an envelope is addressed, and, as far as I can remember, the word "Confidential" was written somewhere on the right-hand top side.

MONDAY, 18TH JUNE, 1894.

Hon. A. J. CADMAN re-examined.

58. *The Commissioner.*] You remember the morning of the 4th April, the date of the publication of the letters in the *Evening Post*?—Yes.

59. Was Sir Patrick Buckley in your room when you arrived that morning?—No; he came in some time after.

60. What hour did you arrive?—I could not say definitely. I am generally here about 10 o'clock, or just after 10—that is my usual time. I could not remember exactly, but I should say he came in at nearly 11 o'clock; it may have been later.

61. Did you, directly or indirectly, cause or authorise any copy of the letter to be taken by any one, or did you, either directly or indirectly, give the information to any newspaper?—I certainly gave no information to anybody. I could not, because I had never seen the letter.

62. Have you any recollection of telling Sir Patrick Buckley on the morning of the 4th April in your office that you had not read the letter yet?—No; I could not have told him that because of the fact that I had never seen the letter; and he informed me that he had received it from the Premier himself.

63. Did you see the letter in your office before 1 o'clock on the 4th April?—No.

64. Have you any recollection of Sir Patrick Buckley drawing your attention to the fact that the letter was in your office at the time he called to see you?—None whatever; in fact, I am positive he did not.

TUESDAY, 22ND MAY.

Hon. PATRICK ALPHONSUS BUCKLEY sworn and examined.

65. *The Commissioner.*] I think it would be best that you should tell me briefly anything you know in connection with the letters from Colonel Fox to the Premier which form the subject-matter of this inquiry?—I will. On 27th March I saw in the *Evening Post* of that date the following paragraph: "Colonel Fox sends in his resignation. Colonel Fox has asked the Premier at Auckland to release him from his engagement as Commandant of the New Zealand Forces, to take effect from the 1st of next month." I wired the substance, or the whole of that, I think, to the Premier at Auckland, and asked him if there was any truth in it, and what it meant, whereupon he sent me a telegraphic reply in cipher, among other things informing me that he had received letters from Colonel Fox which he would forward to me at the earliest convenience. I left for Napier on 29th March, remained there for a few days, and returned to Wellington

on the night of 3rd April. On the morning of 4th April I reached my office here at the usual time, 9.15, and received from my messenger a large number of letters—correspondence of every kind. That would be at about the usual time he brings me my letters, about a quarter to 10. My reason for being particular about the date is somewhat important. I had not finished reading my correspondence before he brought me a large envelope—and so far as my memory serves me, it was franked by Mr. Andrews, Private Secretary to the Premier, from Auckland. That letter I put on my table, and finished reading my other correspondence before I opened it. While I was engaged in the perusal of this correspondence, Mr. Hoben, the reporter of the *Evening Post*, entered my room through Mr. Govett's room, and, so far as I can remember, the words he used were these: "You have got from the Premier that letter of Colonel Fox's." I said, "I have a lot of correspondence here, and have not come across any such letter; but you seem to know a great deal more about the correspondence than I do. What do you know about this letter?" "I know all that is in it," he said. I said, "You seem to know a good deal more than I do, because I have not yet opened any such letter. You seem to take a great interest in Colonel Fox. You seem to be constantly writing something about him. I wonder where you get your information." I did not open that letter for, I suppose, five minutes after he left my room. In the envelope I found the letters which had been referred to by the Premier in his telegram. I met Mr. Ward a few moments afterwards, and I told him that I had received those letters, and I said, "I will send them on to you." I did not let those letters out of my own hands until I had gummed them up in an envelope, and addressed them to Mr. Ward. I then sent my messenger down to Mr. Ward with them. Mr. Ward returned them to me in a very short time, gummed up again, addressed in an envelope to me. I then sent them in the same manner, gummed up again, addressed to Mr. Cadman, and, to my surprise, that evening I saw in the *Post* what purported to be almost an exact copy of one of the letters. Beyond that I know nothing more about it. Now, I would like to say this: that it would be affectation on my part to say for a moment that I am not aware of the accusations which have been made against myself personally in the *Auckland Herald*, through the representative of that paper here, and in a *Wairarapa* paper, directly accusing me of having given this information to the *Post*. I have not, directly or indirectly, given, or caused to be given, that information to any one. Beyond what I have stated I know nothing whatever about it, as to how it reached the *Post*; and I am surprised that the editor of any respectable journal, knowing that those charges have been made against me in those papers, should for one moment allow that imputation to remain, knowing well, as he does, that that information never reached them directly or indirectly from me. I would mention now that the publication, of course, caused me some surprise, and I conferred with my colleagues the next day as to what action we should take in the matter; and it was decided that we should wait the Premier's arrival. I felt that the matter must be inquired into, and, in order to make no mistake about the facts, I noted down what took place between myself and the *Post's* representative, which I have already stated. I then asked my messenger if he could remember giving me a large envelope in the morning after he had brought me the other letters; and after thinking a moment or two he said, "Yes, I remember bringing you a letter after the other letters." I then asked him where he got the letter, and he replied, as far as I can recollect, that he found it on the table outside in the corridor, where the letters are generally sorted. I asked him to recollect that fact, and other facts which he stated, because, I said, "the possibility is that you may be asked to make a statement at a later period." He said he would do so.

66. When did this conversation occur with the messenger?—The morning after the publication—the 5th April it would be.

67. The messenger is Sandbrook?—Yes.

68. I want to trace as far as possible the peregrinations of this letter. Do you think you sent the letter out of your room to the Premier's room, addressed to Mr. Seddon, with orders that it was to be left there?—I should think not. I presume you mean before the publication?

69. Yes?—No, I did not, and I will tell you why. Mr. Cadman had it in his possession on the night of the 4th April, because he telephoned to me at the Hutt—as did Mr. Ward—asking if I had read the *Post*; and Mr. Cadman, through the telephone, so far as I can remember, informed me that he had not opened the letter yet which I had sent him. When Mr. Cadman returned it to me the next day, or the day after, I gummed it up and sent it on in the usual way to the Premier. But I think that would be two days after the publication.

70. Then, on the morning of the date of publication—viz., 4th April—I understand you did not send it to the Premier's room by Sandbrook?—No, certainly not. I could not possibly have done so, because first Mr. Ward saw it, and then Mr. Cadman received it; but, as he afterwards informed me, he did not open it.

71. Then, of course, if you did not send it to the Premier's room you could not have asked Sandbrook to bring it back, as he says, to the best of his recollection, he did, in precisely the same condition as when he took it and laid it on the Premier's table. There seems to be some confusion as to dates or time?—Of course it would have been absurd for me to have done such a thing as that. It being forwarded to me for the benefit of other Ministers as well as myself, I do not see what object I could have in sending a letter to the Premier's room, which must wait there until the Premier's return, before other Ministers could have seen it. It is just possible it may have gone to the Premier through Sandbrook; but, as Mr. Ward will tell you, he received it that morning from me.

72. I want to try and form a chain to see how the thing travelled. The evidence before me at present is that Sandbrook got the letter on the morning of the date of publication, addressed to the Premier; that you sealed it up and gave it to him, telling him to leave it on the Premier's table; and it was left on the Premier's table; that five minutes afterwards you sent him back for it, and he brought it back to you intact, having found it in precisely the same spot as he had left it?—If he says so I would not like to contradict it, but I have no recollection of having taken such a

course as that. It would be unusual. He may be confusing it with some other letters. I would not swear to anything of the sort.

73. Did Mr. Ward come to your room?—He did.

74. Did he take the letter with him, or did you send it by a messenger to him?—I sent it by a messenger.

75. About what time did you send it to Mr. Ward?—It is just possible that Sandbrook, the messenger, is right. I may have sent it to the Premier's room. I would not like to say that I did or did not; but I sent it after I had read it, and after Mr. Ward had been in my room, to Mr. Ward by Sandbrook. Why I did not give it to Mr. Ward when he was in my room, there and then, I cannot say; but I know I had a lot of other things to attend to, and I am satisfied I sent it by Sandbrook to Mr. Ward's room afterwards.

76. At about what time?—I suppose it would be between 11 and 12 o'clock—shortly after I had read it myself.

77. How long was it in Mr. Ward's possession before it came back again to you?—A very short time—so short that I wondered how he had read it so quickly. He wrote some remark upon it to the effect that he had seen it, or read it, or something like that.

78. How did he send it back?—Gummed up in the same way in a fresh envelope, addressed to me. I would not be certain whether it was not after that that he came into my room, because I know we both said, or I said to him, "Cadman must see this letter now"; and I sent it on by the same messenger to Mr. Cadman, gummed up, and addressed to him.

79. Do you know in whose writing it was addressed to you when it came back from Mr. Ward's room, or who brought it to you?—I fancy it came by his own messenger, and I am also inclined to think the handwriting was his own.

80. What did you do with the letter when you got it from Mr. Ward?—I sent it to Mr. Cadman.

80A. Did you send it by Sandbrook?—Yes.

81. About what time?—I suppose it would be within an hour after I first received it—perhaps less; as soon as possible afterwards.

82. Could you fix anywhere about the time you sent it back to Mr. Cadman? It is rather important?—It was some time before noon, I think—at any rate, before 1 o'clock. I am not sure whether I was not in his room some time afterwards, while it was on his table. If I have anything to do with Mr. Cadman, I generally go in and see him. It would be before lunch some considerable time. My object was that Ministers should see it as soon as possible.

83. Did you see Mr. Cadman in his room that morning?—I think so, because, as a rule, I see him every day in his room.

84. Was the letter there then?—I am speaking now from recollection. I think I told him I sent him the letter. He said he had not read it yet. It was on his table there with a lot of other letters. That is my recollection. We afterwards held a Cabinet meeting in this room, on the following day. I think the letter was then for the first time handed to Mr. McKenzie, who read it, and, to the best of my recollection, gave it to me. I then gummed it up, and sent it to the Premier. That is, probably, what my messenger is thinking about.

85. Sandbrook came in the other day to tell me that something he had done might have occurred on the following day, and I could not see how it could be so. It is possible now, in view of your evidence, that he took the letter to the Premier's room, say, on the next day, or the Friday?—It is quite possible; but one does not like to be positive. Of course, these are matters to which it never occurred to me to attach importance, though I see their importance now. It is quite possible Sandbrook is confusing the time, but if he says it was the first day I should be very sorry to contradict him.

86. It is quite immaterial, because it came back, according to Sandbrook, in precisely the same condition and from precisely the same spot in which it had been left, so that it could not have been handled within that time?—I feel certain of this: that if I had asked my messenger to take that letter for the Premier—seeing the importance of the letter, and of what had taken place—I should have told him to give it to Mr. Blow, to be kept for the Premier, and not to let it out of his possession. I would not have given him a letter of that kind to be left on the Premier's table, after what had occurred the previous night.

87. Did you understand from Mr. Hoben that he was the person who got the information?—No; but he said to me, "You have received a letter from the Premier with the Fox correspondence. It has reached you this morning." I began to express my astonishment, for I had not seen it myself at the time. I said, "You know a good deal more than I do about this thing." I was very angry with him. He said, "I know everything that is in it." Now, from the position in which he stood in the room he could not possibly have seen the envelope on my table.

88. This book [produced] is kept in the messengers' room, and in it are recorded all the letters that are sent out for delivery by the Government messengers in town. On the morning of the 4th April—I have it on the sworn evidence of the messengers in the Buildings—this book shows that a letter was sent to the *Evening Post*, and another to Mr. Atack. It left the Government Buildings in the hands of Messenger Mason at 10.10 a.m. It was entered in the book by Messenger West. Have you any recollection of any letter on any subject having left your office that morning?—No letter of any kind was addressed by me to the *Evening Post* that morning—in fact, I never address letters to the *Evening Post*, or to any other paper.

89. Thank you. I do not think, at present, there is anything else I can ask you?—I am ready to answer any questions you may wish to put to me.

Hon. JOHN MCKENZIE sworn and examined.

90. *The Commissioner.*] You are Minister of Lands, Mr. McKenzie?—Yes.

91. Will you kindly tell me what you know, of your own personal knowledge, of the receipt of those letters from Colonel Fox to the Premier, which form the subject-matter of this inquiry?—

The first I heard of them was on their publication in the *Evening Post*. I had no knowledge that there were such letters until then. That same night I was told there were such letters, and I was told by Mr. Cadman that he had the letters in his office in a sealed envelope, and that he had not opened the envelope, and, having seen the publication in the *Post*, he said he did not intend to open the envelope until the Cabinet meeting was held. The following day the Ministers met in Cabinet, and Mr. Cadman brought in the envelope which contained the letters, and stated what they were. To the best of my recollection, he handed them to Mr. Ward; but Mr. Ward said he had seen them the previous day. I then asked Mr. Ward for the envelope, so that I could have a look at them. I opened the envelope and looked at the letters.

92. Can you say in whose handwriting the envelope was addressed?—The impression on my mind is that the handwriting was Sir Patrick Buckley's.

93. Were there any other marks on the outside of the envelope, so far as you are aware?—I distinctly recollect the word "Confidential," written across the corner of it.

94. Can you say to whom it was addressed?—No; I could not remember now.

95. Was there anything in the other corner, opposite the word "Confidential"?—I cannot recollect. The fact of my knowing what was in it prevented my examining it as carefully as I otherwise would have done.

96. Is that the first time you saw the letter?—Yes.

97. Were you aware what the contents of the letter were before that at any time?—I was not aware of the full contents of the letter. I had received a cypher telegram from the Premier, giving an intimation of Colonel Fox's proposed resignation on certain conditions.

98. Did that telegram give the reasons, or the charges made?—No; the telegram simply informed me that the Premier had received such a letter from Colonel Fox, offering to resign on certain terms.

Hon. WILLIAM PEMBER REEVES sworn and examined.

99. *The Commissioner.*] You are the Minister of Education?—Yes, with one or two other portfolios.

100. Will you kindly tell me if you had ever seen the letters of Colonel Fox which form the subject-matter of this inquiry, or any copy or copies of them, prior to the 4th April. I mean the letters of 16th March?—If you mean the letters a *précis* of which appeared in the *Post*, certainly not. I never saw the letter or letters, nor a copy of them; and, to prevent possible misunderstanding, I never had the letter, or a copy of it, read over to me. I just saw what I presume was an abstract of the letter. I did not know there was more than one letter in the *Wellington Post*. I believe the letter had been published on the evening previous to my leaving by the train for the North. A copy of the paper was handed to me on the morning I left in the train, and I then read it.

101. What morning was that?—Thursday, the 5th April. I then read the *précis* of the letter in the train. You speak of more letters of Colonel Fox's. The only letter a copy of which I have seen—and that I have not read—was a letter of Colonel Fox's on the state of the defences of the colony. I say this as I wish it to be absolutely clear.

102. Did you authorise any one to give the contents of those letters to anybody else?—Certainly not.

103. You did not authorise their publication in any way?—Certainly not.

104. It is quite clear from the evidence before me that it is a matter of absolute impossibility for any one to have published that summary in the *Post* unless they had the actual letter or a copy of it before them, or unless some other person having a copy of the letters or the originals dictated them to somebody else?—I have only to state my absolute ignorance of the communication to the paper.

105. Did you know they had been received in Wellington before you left?—Since I knew you wished to call me I have been racking my memory as to whether I did know that the letters had come to Wellington. As a matter of fact, I do not think I knew they had arrived. But I only speak to the best of my belief.

Hon. J. G. WARD, Colonial Treasurer, sworn and examined.

On the 4th April, between 10 and 11 a.m., Mrs. Ward and myself called on Sir Patrick Buckley in his room, and as I was leaving he handed me a letter which he stated was from Colonel Fox to the Premier. Mrs. Ward and self walked to my office. I opened the letter in my office and read it, and handed it to my Secretary, and told him it was to be sent back at once to Sir Patrick Buckley, and handed to him. The letter was not, from the time I got it from Sir Patrick Buckley till I returned it to my Secretary, five minutes in my possession. I told my Secretary to put it in an envelope. Immediately I saw the letters in the *Post* I rang up my Secretary and asked him if he had sent the letters to Sir Patrick Buckley, and he replied that he had done so promptly. I did not, directly or indirectly, cause or authorise this information to be given to the *Post* or any one else, or any copy of the same to be taken. The next morning I saw these letters; they were brought into the Cabinet room by the Hon. Mr. Cadman in a closed envelope. I cannot say how that envelope was addressed. It was handed to me by Mr. Cadman, and I handed it to Mr. McKenzie, and he opened it in our presence.

Hon. JAMES CARROLL sworn.

I was with the Hon. the Premier during his trip north of Auckland during the latter end of March. I was with him when we arrived at Helensville. After I left Helensville I went to Auckland. The Premier did not go with me to Auckland, but I met him there subsequently. The first I knew of his (Colonel Fox's) resignation was from Mr. Seddon, and he showed me a wire which I believe came from Sir Patrick Buckley. I was not aware when at Helensville that Mr. Seddon had received these letters, but I knew from that telegram that these letters had been posted. I

never saw the letters, or any copy of them—not even the ones that appeared in the *Post*. I never authorised the obtaining, issuing, or publication of these letters, directly or indirectly. I knew they had been published in the *Post*, but I do not know who gave the information to the *Post*.

JAMES SANDBROOK sworn and examined.

106. *The Commissioner.*] What are you?—Government messenger.

107. You might tell me what you know in connection with the letter from Colonel Fox to the Premier?—First of all, I am not sure of the date on which Sir Patrick Buckley came back to Wellington, but I got the letter on the morning of, or the morning before, his return, from his office. The letter was franked by Mr. Andrews, and addressed to Sir Patrick Buckley. I knew it was the letter, because Sir Patrick told me so.

108. Where had Sir Patrick Buckley been?—He was at Napier, and I know he saw Dr. Cahill up there, who was ill at the time.

109. Could you say if it was Tuesday he returned?—Yes. He was to have returned on the Monday, but did not arrive until Tuesday.

110. Did he return by train?—Yes.

111. Did he return *via* Wairarapa or Palmerston?—*Via* Palmerston.

112. Did you meet him at the train on arrival on Tuesday night at Wellington?—Yes.

113. Did you take any letters to him at the railway-station?—Yes, a bundle of private letters

114. Did you take him any official letters?—No.

115. When did that letter, franked by Mr. Andrews, come to Wellington?—It was on the Tuesday morning, I think, but it might possibly have been on Monday morning.

116. Are you sure it did not come for the first time into your possession on Wednesday morning?—Yes, because I know I had it before Sir Patrick came back. On the Wednesday morning he asked me where I got it, and when I told him he gave it to me to take to Mr. Seddon's room, to be left there until Mr. Seddon's return. That was after Sir Patrick had read it himself. After a few minutes he sent me back to Mr. Seddon's room for it, and he told me to take it to Mr. Cadman. Shortly after that I saw it in the hands of Mr. Seddon's messenger. He told me he had instructions not to let it go into any one's hands, but that it was to be put away where it would be safe until Mr. Seddon came back.

117. How did that letter first come into your hands at all?—In the office of Buckley, Stafford, and Treadwell. The letters are always put in the official box there, and I get them every morning.

118. Whether public or private?—Yes; and I bring them up to the Government Buildings.

119. At what time do you go for them every morning?—At 9.30 a.m.

120. Whether he is in town or not?—Yes. I put the official letters before Mr. Pollen, and he opens any that he thinks should be opened, and the private ones I give to Sir Patrick when I see him.

121. How do you treat confidential letters?—I always give them to the Minister, or to the Private Secretary if the Minister is not there.

122. Who is Sir Patrick Buckley's Private Secretary?—Mr. Govett.

123. Was he at Napier with Sir Patrick?—Yes.

124. Did he arrive in the same train with him?—Yes.

125. Where did you keep that letter pending Sir Patrick Buckley's arrival?—On his table in his room.

126. The letter was not marked "Confidential"?—No, it was just addressed in the ordinary way to Sir Patrick Buckley, and franked by Mr. Andrews. But when Sir Patrick sent it to Mr. Seddon's room it was marked "Confidential."

127. Do I understand that you lay the letters on the table, whether they are private, confidential, or ordinary official letters?—Yes.

128. And it is optional for the Under-Secretary to go in and open any of the letters?—He opens any of the official letters if he thinks it is his duty to do so.

129. Do you know if this letter was opened prior to Sir Patrick Buckley seeing it? Did it have any marks or tokens to show?—I could almost swear it was not opened. If it was it must have been done very cleverly.

130. Were you in the room when Sir Patrick Buckley was opening his letters?—No. He rang the bell for something, and he asked me where I got that letter. I told him I got it down at his office. So he looked at it a bit and then said, "Just take that to Mr. Seddon's room and see that it is left there." He then sealed it up and marked it "Confidential."

131. Did he do that in your presence?—Yes.

132. And where did you leave it?—On the table in Mr. Seddon's room. Mr. Seddon's messenger was not there just at the time, so I put it on the table myself. In a few minutes Sir Patrick rang his bell, and asked me to fetch the letter back again.

133. How long afterwards?—I suppose it would be about five minutes.

134. What state was it in when you found it again?—Just the same, because there was nobody in the room. I told the Premier's messenger about it.

135. Did you know the contents of the letter?—Only on account of seeing it in the newspaper. And when Sir Patrick finished reading it he told me what it was about.

136. Did he open it in your presence?—No. I think, when he rang the bell he had had it open for some time. He did not break the seal in my presence.

137. Are you confident that no one else but him opened it?—Yes. He must have opened it.

138. Do I understand you to say that he told you before you took the letter to the Premier's room that the envelope contained Colonel Fox's report or letters?—Yes.

139. What did you understand by that?—I understand by that, what I had seen in the paper, and it was talked of amongst people, and that is what I took it to be.

140. What did you do with the letter after you found it on the Premier's table again?—I took it straight back to Sir Patrick Buckley, and he put Mr. Cadman's name on it in my presence, and told me to take it to Mr. Cadman. I took it to Mr. Cadman.

141. Did you give it to Mr. Cadman or lay it on his table?—I believe I laid it on his table.

142. At what hour of the day was it put into your hands to give to Mr. Cadman?—I should think it must have been after 10 o'clock.

143. Was it before 11?—I think it was, but I am not positive.

144. At what time does Sir Patrick usually come in from the Hutt?—At a quarter past 9.

145. About what time would he get that letter?—About twenty minutes past 9.

146. About what time did you take the letter into Mr. Seddon's room?—I cannot say. After Sir Patrick comes in from the Hutt I always go from the railway-station to his office for the letters, and I get back at about a quarter to 10. I always get to his office a little before half-past 9. I should think it would be about 10 o'clock when I left the letter in Mr. Seddon's room.

147. What time do you think it was when he questioned you about the receipt of the letter?—I think, before 10 o'clock.

148. Did he give you any reasons for questioning you about the receipt of the letter?—No; he only mentioned something about it being Colonel Fox's report, and as I saw Mr. Andrews's frank on it I guessed it had come from the Premier.

149. You took it direct to Mr. Cadman's room, when it was given to you for Mr. Cadman?—Yes.

150. Did you see any Press representatives in the office that day, or about Sir Patrick's office?—There are always some of them about. You see them up and down the passage. I did not take any particular notice of them that day.

151. Did any of them approach you on the subject-matter of the letter?—No. They never approach me, because I never tell them anything.

152. Did you read the letter at any time?—No; it was never open in my hands.

153. Was it always sealed when it passed into your hands?—Yes.

154. So far as you are aware, was that seal ever unlawfully broken?—I do not think it was opened by any one except Sir Patrick Buckley, in the first instance, and closed by him when he sent it to Mr. Seddon.

155. Was it opened again by him?—No; I think he just wrote Mr. Cadman's name on the back, and said to me, "Tell Mr. Cadman that is the letter."

156. Did you tell Mr. Cadman that was the letter?—No; but I think I told some one a few minutes afterwards that I had left a letter on Mr. Cadman's table.

157. Did you tell Sampson it was Colonel Fox's letter?—I think I simply told him I had left a letter on Mr. Cadman's table, but I am not certain about it.

158. Cannot you recollect the exact date upon which you got the letter first?—I believe I got it on the morning of the day Sir Patrick came home. That was the 3rd April. If it had been on the Wednesday morning Sir Patrick would never have got it so early as he did.

159. Can you say if there were any gentlemen connected with the *Evening Post* in or about that office that morning?—They would not be about so early as that. They never get there so early.

160. Did you have any conversation with any of them on the Tuesday, or any day about that time?—No; I never speak to them unless they ask me where Sir Patrick is.

161. In whose official charge would the letter be after you left it on the table in Sir Patrick Buckley's room?—Nobody's. The room is locked at night; but Mr. Pollen's room is next door, and it opens on to Sir Patrick Buckley's.

162. Is the outside door shut when Sir Patrick is absent?—Yes.

163. How would a person get access to Sir Patrick Buckley's room?—He could go through Mr. Pollen's or Mr. Govett's room.

164. Is the connecting door between Sir Patrick's and Mr. Pollen's rooms locked at night?—No; the lock is broken.

165. Is Mr. Pollen's room locked at night?—Yes.

166. Is Sir Patrick Buckley's room between Mr. Pollen's and Mr. Govett's rooms?—Yes. Mr. Govett's door, No. 20, is locked at night.

167. Do you keep any record of the papers you get, or of the number of letters you get?—No.

168. Who gives you the letters in Sir Patrick Buckley's office in town?—They are always left in his room. A boy brings them from the post-office, and leaves them just before I get down. In fact, I have sometimes to wait a few minutes for him.

169. Do you know who takes the letters to Sir Patrick Buckley's office?—I have known the boy about twelve months, but I do not know his name. I have spoken to the boy about it; but he did not remember that particular letter—he gets so many.

170. Did you see anything of the letter or envelope after you left it on Mr. Cadman's table?—I only saw Sir Patrick giving it to Mr. Seddon's messenger after it came back from Mr. Cadman's room; but I do not know who brought it back from Mr. Cadman's room.

171. When was that?—The same morning that Mr. Cadman got it.

172. Are you aware how Sir Patrick got the letter into his hands again after you had delivered it to Mr. Cadman?—No.

173. Do you know when it was brought back?—It could not have been long afterwards, because I saw it with the Premier's messenger, who showed it to me and told me he was not to let it out of his hands until he put it away for Mr. Seddon.

174. It was the same day?—Yes.

175. Did Mr. Seddon's messenger tell you why he was to keep it carefully?—I said to him, "I left a letter for Mr. Seddon on his table, but Sir Patrick wanted it back again." He then said, "Sir Patrick Buckley gave it to me back." I don't suppose Burgess knew what it was.

176. Are you sure it was not on the next day?—I am almost certain, because the whole thing seemed to pass within an hour.

177. Was it given to you again to lay on Mr. Cadman's table again?—No.

178. You have never seen it since, except in the hands of Mr. Seddon's messenger?—That is so.

179. What is the name of Mr. Seddon's messenger?—Charles Burgess.

180. Is there anything else you can think of?—No.

181. Was there a Cabinet meeting on Wednesday, 4th April—the date on which Sir Patrick returned to the office?—I really could not say, but I think there was.

JAMES SANDBROOK re-examined.

182. *The Commissioner.*] In going over your evidence there is one point to which I wish to draw your attention. I have it in my notes that you stated as follows: "I saw the envelope containing the letters tied up, and in the hands of C. Burgess, Mr. Seddon's messenger. He told me he had got it from Sir Patrick Buckley, with orders to look after it carefully until the arrival of Mr. Seddon in Wellington." Now, to the best of your knowledge and belief, when did you see what you believed to be the letters in question in the hands of Burgess?—I believe now that it was on the 5th. I have been puzzled all along about that date, because of the letters having appeared in the paper the night before.

183. At what time of the day was it?—It must have been after 2 o'clock, I should think—after lunch hour.

JAMES SANDBROOK re-examined.

184. *The Commissioner.*] Had you any conversation with Sir Patrick Buckley on the morning of the 5th April relative to this letter?—Yes.

185. What was the nature of the conversation?—Sir Patrick called me in a little after he opened his usual private letters, and asked me where I got that letter. I said I got it at his office with other letters. That is all I remember.

186. Do you recollect if you put the letter on his table separately on the morning of the 4th?—I do not recollect it. I may have done so, but, having so many letters, it is impossible to think.

187. Do you recollect having told Sir Patrick Buckley on the morning of the 5th April that you got it in the corridor?—I may have done so, but I do not recollect it.

188. Did you tell Sir Patrick that you got it from his firm's office, and that you left it on his table?—I said I thought I had left it with other letters, as usual. But it is so long ago. I am supposing that was the letter franked by Mr. Andrews.

189. Would Sir Patrick Buckley's recollection of the matter be right—namely, that you took it in to him on the morning of the 4th April, about fifteen minutes after you had delivered the ordinary letters, and that you delivered it to him separately on that morning; or are there any means by which you could account for the fact that the letter was not on the table where you left it on Monday or Tuesday?—No; not the slightest. I put a lot of letters together, and I would not shift them except to dust the table, or something like that. I would not look at each one.

190. You never took the letter out of the office after having once put it there?—No; certainly not.

191. Can you account in any way for its disappearance—if it did disappear—and its returning again through your hands?—Of course anybody might take it out of the office if they chose. The doors are open in the daytime, and I am down town sometimes in the day.

192. If a person took it out of the office, read it, and left it on the table in the corridor, you, seeing a letter lying on the table addressed to your chief, what would you naturally do with it?—I would naturally take it to him, of course, expecting somebody had left it there for that purpose.

193. Supposing it did leave the office after you first put it there, can you say how it did leave?—No; I cannot say that. Of course, Mr. Pollen's and Mr. Govett's doors are open all day.

194. If you found a letter addressed to Sir Patrick Buckley, marked "Confidential," and franked by Mr. Andrews, lying on the table in the corridor, and evidently having come through the post, would it strike you as an unusual way for a letter to come?—It would.

195. Would that be more liable to fix it on your mind?—Unless I saw it with the other letters I would wonder where it came from.

196. Would the fact that a letter had come in that way fix it on your memory?—It would.

197. And you have no recollection of receiving a letter in that particular way?—No. If there were other letters on the table, I should think they came by the usual post.

198. I understood from your evidence on a former occasion that to the best of your knowledge the letter was addressed to the Premier, and you were instructed to lay it on his table, and that you did so; about five minutes afterwards you brought it back again, and gave it to Sir Patrick Buckley; that he wrote across the corner of the envelope "For Mr. Cadman," or something to that effect; that you took the letter in that manner, and left it on Mr. Cadman's table. Do you think that the addressing of the envelope to the Premier, and the taking of it back again and delivering it to Mr. Cadman, occurred on the same day?—I think so. Yes.

199. Do you think the letter you left on Mr. Cadman's table was addressed to the Premier, with Mr. Cadman's name on the corner?—I imagine so, because I do not think Sir Patrick had time to put it in another envelope. I think he gave it to me quickly. I would not swear to it, but I imagine so.

JAMES SANDBROOK re-examined.

200. *The Commissioner.*] Do you recognise this book [produced]?—Yes; it is the book kept in the messengers' room for entering letters for delivery in town.

201. Amongst the entries under date 4th April, 1894, do you notice a letter addressed "*Evening Post*," and one for Mr. W. H. Atack?—Yes.

202. What facts would you gather from an examination of those entries?—That those letters were taken out of the Buildings by Mason at 10.10 a.m.

203. Where were you at 10.10 a.m. on the 4th April?—Attending to Sir Patrick Buckley.

204. Was that about the time you took the letter to Mr. Cadman?—I think it must have been after that I took the letter to Mr. Cadman's room, because I would not have returned from Sir Patrick Buckley's office before that time.

205. At what hour do you think you took Mr. Cadman his letter?—I cannot tell what hour. I should think it would be about 11 o'clock, because Mr. Cadman generally comes about that time.

206. Can you recollect if, about that date, a letter addressed to the *Evening Post*, or one to Mr. Atack, passed through your hands?—No.

207. Did you see such letters on the table?—No, not to my knowledge. I may have seen the letter to the *Post*, but I would not recollect it if I had; but I would remember the one to Mr. Atack if I had seen it. There are so many letters for the *Post*, containing tenders, and so on.

208. During Wednesday, 4th April, how were you employed?—I was on this first floor until Sir Patrick Buckley went home.

209. Your name was not on the ordinary duty-roll?—No; I have not been on that roll for years. I do not take letters from any one except Sir Patrick Buckley or Mr. Govett, even if they ask me, because I would not take the responsibility.

JAMES SANDBROOK re-examined.

210. *The Commissioner.*] You told the Commission yesterday that to the best of your belief the letter was addressed to Hon. Mr. Seddon; you took it off Mr. Seddon's table, and brought it back to Sir Patrick Buckley; and that Sir Patrick addressed it in the corner to Hon. Mr. Cadman?—I still think so, for this reason: It was hardly an instant before Sir Patrick gave it back to me, and said, "Give that to Mr. Cadman, and tell him that is the letter." He could not have had time, I think, to put it in a fresh envelope and address it afresh.

211. Was the letter you took into Mr. Cadman's room marked "Confidential"?—I would not be sure, but I imagine so, because it was marked "Confidential" when I took it into Mr. Seddon's room.

212. Then, do I understand that, so far as you believe, it was marked "Confidential" in one corner, and "Mr. Cadman" in the other?—I believe so.

BENJAMIN MARCUS WILSON sworn and examined.

213. *The Commissioner.*] What are you?—Private Secretary.

214. Will you tell me briefly anything you happen to know in connection with the subject-matter of this inquiry, which, as you are aware, is the publication of certain letters which passed between Colonel Fox and the Premier, dated 16th March?—I am afraid I can tell you very little. The only thing I can remember about it is seeing a letter in Sir Patrick Buckley's handwriting on Mr. Cadman's table; but whether that was the document in question or not I do not know.

215. Was the letter marked "Confidential"?—I could not say; it did not come through my hands. I only remember seeing the envelope on the table.

216. What date was that?—It was the same day as the publication of the letter in the *Evening Post*. That is what brought it to my mind. I thought probably that would have been the letter.

217. Then, it was the next day you thought "The letter I saw yesterday must have been the letter"?—That may have been it; it was either the same day or the next day.

218. Did you ever see the letter itself?—No.

219. Did you ever handle the envelope, so far as you are aware?—No.

220. When did you first see it?—Some time in the afternoon.

220A. Did you know who brought it?—No.

221. Do you know what became of it?—No; I have not seen it since.

222. Prior to the publication of this letter were you approached by any one connected with the papers in Wellington, seeking information on the subject?—No; in fact I had not heard of the letter before.

223. Did you know such a letter was expected, or that it had arrived?—No.

224. What was the first you heard of Colonel Fox's resignation, or proposed resignation?—I think that letter in the paper must have been the first.

225. Do you remember seeing any other paragraphs in the papers before the publication of this particular letter?—Well, there was a hint in the *Post* one night, I think.

226. Was that the first you heard of it?—Yes; and I heard nothing else until the publication of the letter.

BENJAMIN MARCUS WILSON re-examined.

227. *The Commissioner.*] In your evidence yesterday you said that you saw a letter addressed to Mr. Cadman in Sir Patrick Buckley's handwriting, lying on Mr. Cadman's table. That was on Wednesday, 4th April. Will you tell me how it was addressed, as nearly as you can remember? Was it addressed to Mr. Cadman direct?—I believe it was addressed "Hon. A. J. Cadman."

228. Was it addressed to Hon. Mr. Seddon, and then marked in the corner "For Mr. Cadman"?—I think not.

229. It was in the afternoon you saw it?—Yes.

230. Was it marked "Confidential"?—I could not say. My impression is that it was just addressed "Hon. A. J. Cadman."

231. Do you feel confident it was not addressed to Mr. Seddon, and afterwards addressed in the corner "For Mr. Cadman"?—Yes; I am fairly confident. Of course, I may be wrong.

232. Can you say if you saw any Cabinet Minister go into that room on that day?—I cannot; but it is not usual for Cabinet Ministers to go into the room when the Minister is not there. They often come as far as the door, and I say, "The Minister is not there," and they go back again.

CHARLES HENRY BURGESS sworn and examined.

233. *The Commissioner.*] What are you?—Messenger to the Premier.

234. You are aware, I presume, of the objects of this inquiry?—Yes.

235. Will you give me, in your own way, a statement of anything you know concerning the subject-matter of this inquiry?—I do not know that the letter was ever in my hands; still, I believe a letter that Sir Patrick Buckley gave me was the letter.

236. Will you carry your mind back to the day on which the letter appeared in the *Post*. Do you remember the morning of that day?—Yes.

237. Did you get a confidential letter for the Premier from any Cabinet Minister that day?—I got two letters that day. I think it was Wednesday, 4th April, at 2.30 in the afternoon.

238. How were they addressed?—To the Premier, I think. But Sir Patrick Buckley called me into his room, and unlocked a drawer, and gave me two letters. He told me to give them into Mr. Seddon's own hands. I took them to Mr. Seddon's own room and placed them in another envelope both together, and I wrote on the outside of the envelope, "Letters from Sir Patrick Buckley, to be given to Mr. Seddon himself," and I put the hour and the date on which they were handed to me. I locked them up then in a drawer in the Premier's room, and put the key on my watch-chain. When Mr. Seddon came back I unlocked the drawer while he was present and gave them to him, and pointed out the writing I had put on the envelope, that they were to be given to him alone.

239. Were those the only letters you got from Sir Patrick Buckley that day?—Yes; in fact, they were the only ones I ever got from himself—that is, given with his own hand.

240. Do you remember Sandbrook going into the Premier's room and leaving a letter on the table that morning?—That was while I was away at lunch.

241. Did Sandbrook tell you that day that he had left letters?—Yes. When I came back from lunch I saw Sandbrook, and he told me he had taken a letter to Mr. Seddon's room from Sir Patrick Buckley, and that Sir Patrick had sent him for it again some time afterwards. About half an hour after that I saw Sir Patrick, and he called me into his room and gave me the two letters.

242. Had you any reason for thinking that the letters Sir Patrick Buckley gave you were in any way identical with the one he gave Sandbrook?—I supposed them to be the same. I just guessed it. I think Sandbrook told me he had taken them just before to Mr. Cadman.

243. About what time did you see Sandbrook?—About 2 o'clock.

244. From your conversation with Sandbrook could you form any idea of the time it was made to appear to you that he had put them on the table and taken them off again?—It was between 12 and 2 o'clock.

245. Was it not earlier in the morning than that?—I do not think so.

246. If Mr. Seddon was away would there be any necessity for you to be dodging around his room?—I am generally there, looking through papers, cutting pieces out, and pasting them into books. I am in his room nearly all the time he is away.

247. Would it be possible for Sandbrook to go in and leave a paper, and afterwards take it away again without your seeing him, before 12 o'clock?—Well, I am not positive whether or not I left before 12 that day.

248. Had you any idea of the time at which he left the letter?—No; except that I think it must have been between 12 and 2 o'clock. I might have left a little earlier than 12 that day.

249. Did Sandbrook tell you what the contents of the letter were which he had put on Mr. Seddon's table?—No; I do not know whether he knew at the time.

250. You are quite certain that the letters Sir Patrick Buckley gave you for Mr. Seddon did not go into any one else's hands?—I will swear that it is impossible that it went into any one's hands until it went into Mr. Seddon's hands.

CHARLES BURGESS re-examined.

251. *The Commissioner.*] In my notes of your evidence given some time ago, I notice you state "I got the letters from Sir Patrick Buckley on Wednesday, the 4th, in the afternoon. Both letters addressed to the Premier. I think Sir Patrick called me into his room, and gave me the letters out of a drawer, which was locked," &c. On reconsidering the matter, do you still believe it was on Wednesday, 4th April, or was it Thursday, 5th, to the best of your knowledge?—I believe it must have been Thursday, 5th.

252. At about what time in the day?—About half-past 2 o'clock in the afternoon, I fancy. I remember writing 5th on the envelope, but I could not positively swear to it even.

253. I may tell you that the evidence of the Hon. Mr. Cadman and the Hon. Mr. McKenzie shows that this letter was opened in the Cabinet-room on the Thursday?—Well, I will swear no one could have got it after I locked it in the drawer in Mr. Seddon's room.

254. Then, why cannot you swear positively that it was the Thursday?—Well, it must have been the Thursday.

255. Have you any reasonable doubt that it was the Thursday?—No.

CHARLES BURGESS re-examined.

256. *The Commissioner.*] Have you ever seen this book [produced] before?—Not that I am aware of.

257. Do you know it to be the record-book of letters sent out of the Buildings for delivery by Government messengers?—I have seen Huett and West entering letters in a book; but I do not know whether that is the book, because I have never had anything to do with it.

258. Do you remember, on the 4th April, taking a letter down to the *Evening Post*?—No.

259. Or did any letter to the *Post* pass through your hands, or under your observation about that date?—I am positive it could not have done so.

260. How were you employed during that week?—Looking through newspapers, and cutting out scraps, and so on.

261. Were you attending on the Premier?—The Premier was away, but I was cutting out and pasting scraps into books for him.

THOMAS REDMOND sworn and examined.

262. *The Commissioner.*] What are you?—A Government messenger.

263. On what duty were you employed about the 4th April?—I believe I was attending the Hon. Mr. Ward. I do not come under the duty-plan at all.

264. Do you recognise this book [produced]?—Yes; it is used for recording letters going out of the Buildings into town.

265. Do you notice, under date 4th April, an entry "*Evening Post*"?—Yes.

266. What does an examination of that entry tend to show you?—It shows that on the 4th April, at 10.10 a.m., Mason took out that letter for delivery, among others.

267. Cast your mind back to the 4th April, and see if you can recollect a letter addressed to the *Evening Post* passing through your hands or under your observation?—None.

268. Do you remember, on or about 4th April, taking a letter in to Mr. Ward from Sir Patrick Buckley?—I think Sandbrook gave me a letter for Mr. Ward—perhaps more than one. I never got a letter direct from Sir Patrick Buckley. I could not be positive as to the time, but I know it was between the time Mr. Ward came back from the Postal Conference and the time he left again for the South.

269. Do you know if any of those letters were marked "Confidential"?—No; I might not even look at the address if I was told it was for the Minister.

270. Can you remember if about that period you got a letter from Mr. Ward to Sir Patrick Buckley marked "Confidential"?—No.

271. Can you remember if you got one from Mr. Ward for Mr. Cadman?—No.

272. You understand when I say "from Mr. Ward," I mean Mr. Ward or his Secretary?—No; I have no recollection of having got a letter either for Mr. Cadman or Sir Patrick.

273. Nor from Sir Patrick to Mr. Cadman?—No. I should recollect that if I had done so, because it is outside my own department.

SATURDAY, 16TH JUNE, 1894.

THOMAS REDMOND re-examined.

274. *The Commissioner.*] I want you to carry your mind back to the 4th April last—that is, the morning of the date of the publication of the Fox letters in the *Evening Post*—and tell me if you can remember if you got a letter from Mr. Hyde, the Private Secretary to Hon. Mr. Ward, for delivery to Sir Patrick Buckley?—I have been thinking over that since I saw you last, and I fancy I did, on that morning, receive one to be delivered. I would not say that morning, as I am not certain of the date, but I have a good recollection that I got a letter from Mr. Hyde to be delivered to Sir Patrick Buckley about that time. That was just after we returned from the Postal Conference.

275. Did you deliver it immediately?—I went straight with it.

276. Did you deliver it to him personally?—Yes; I am certain I did, according to the instructions. I never stop; I always go straight with it, and carry it myself. I did not recollect anything about that before, but it is an unusual occurrence for me to bring a letter to Sir Patrick Buckley, and I am almost certain in that case I did bring it.

ANDREW EYRE SAMPSON sworn and examined.

277. *The Commissioner.*] What are you?—Government messenger.

278. Do you remember Wednesday, 4th April, particularly—the date upon which a certain paragraph appeared in the *Evening Post* relative to the proposed resignation of the Commandant of the Forces?—I remember a paragraph, but I could not tell you the date.

279. Do you remember the day on which the paragraph appeared?—Yes; I remember seeing it in the newspaper.

280. Do you remember the receipt of a letter by the Hon. Mr. Cadman on that day, marked "Confidential"?—No; the only letters I have seen lately marked "Confidential" contained Bills, or were supposed to contain Bills, coming forward for Parliament. I do not remember any one particularly.

281. Do you remember seeing a letter in the handwriting of Sir Patrick Buckley, addressed on the envelope to Mr. Cadman, and marked "Confidential"?—I have seen several letters from him, but all in note-envelopes.

282. Do you remember one in a larger envelope?—Not from Sir Patrick Buckley.

283. If such a letter did come, who would it be brought to—to you?—That would depend upon what the Minister might say to his messenger. If he did not say, "Take it to Mr. Cadman himself," it would be handed to me, and I should take it to Mr. Cadman.

284. Would letters come to you even if marked "Confidential"?—Yes.

285. Do I understand you to say you have no recollection of any large envelope, containing a letter, being laid on Mr. Cadman's table, or given to you about that date?—Of course it might have been laid on the table, but I do not remember having the envelope in my hand from Sir Patrick.

286. Do you remember Sandbrook going into the room about that date?—No; I do not remember ever having seen Sandbrook go into the room.

287. Do you remember Sandbrook handing a letter to you, or to the Minister's Private Secretary, for Mr. Cadman?—Not within the last month. There is not much correspondence between Sir Patrick and Mr. Cadman.

288. Did Mr. Cadman ask you any questions relative to a letter from Sir Patrick Buckley?—No.

289. Did you read a paragraph in the *Post* giving an account of the reasons for Colonel Fox's resigning?—Yes, I remember seeing that.

290. I have a copy of it here. Did you read this paragraph in the paper?—Yes.

291. Did it strike you as probable that the paragraph was in any way connected with any letter that might be laid on Mr. Cadman's table about that date?—No; I never knew that Mr. Cadman had anything to do with it.

292. Did you know that such a letter ever came into Mr. Cadman's possession?—Not until long afterwards.

293. How did you hear it then?—Sandbrook told me he had taken it in. That is the only information I ever had that it was ever in the room.

294. What did Sandbrook tell you?—We were talking about Colonel Fox's letter, and he said he had taken it from Sir Patrick to Mr. Cadman's room himself.

295. Did he tell you how he knew they were Colonel Fox's letters?—No.

296. Did you distinctly understand from him that they were Colonel Fox's letters that were laid on Mr. Cadman's table?—Yes, but that was some time after the publication.

297. Did it appear strange to you that he should know what the letters were?—I did not give it a thought then. I think so now.

298. What was the first you heard of Colonel Fox's proposed resignation?—Seeing it in the paper.

299. Did you ever see the letter, or a proof or a copy of the letters, relating to the resignation?—No.

300. Did you know any more than appeared in the papers?—I never saw the papers to my knowledge in any shape or form.

301. Will you give me, as nearly as you can recollect, the substance of the conversation you had with Sandbrook?—As nearly as I can recollect, I said something about being glad I had nothing to do with it—that is, that it did not come through our department. Sandbrook then said, "Oh, yes! it did. I took it into Mr. Cadman's room myself." I said then I had not seen the letter, and I did not remember anything about it.

302. Is there anything else you know of that might throw any light upon the subject?—No.

TUESDAY, 8TH MAY, 1894.

ANDREW EYRE SAMPSON re-examined.

303. *The Commissioner.*] You remember the date of the publication of the letter in the *Evening Post*?—No, I do not remember the date.

304. Can you recollect the day of the week?—No, I gave no attention to it, as it did not concern me.

305. Have you any recollection of any Minister going into Mr. Cadman's room about that date?—No; they would not go in unless Mr. Cadman was there.

306. What makes you think so?—I would tell them Mr. Cadman was not there, and they would go away. I never saw a Minister go in unless Mr. Cadman was there.

307. Supposing you were not at the door?—Then he could go in easily enough.

308. Do you recollect if there was a Cabinet meeting on that Wednesday?—I could not say.

309. If there was a Cabinet meeting, where would you be?—Mostly about the Cabinet room. I generally keep an eye on the Cabinet room, and then I keep Mr. Cadman's door shut.

310. Would it be possible for any one to go into Mr. Cadman's room without your knowing it?—Oh, yes! they could go through Mr. Hazelden's room.

311. Do you remember any Cabinet Minister going into the room on that day?—No.

312. Do you remember any one from the Colonial Secretary's office going in on that day?—No.

313. Can you say that no Minister went into Mr. Cadman's room that day?—Not so far as I know. I never saw a Minister go further than the door and go out again if the Minister was not there.

MONDAY, 14TH MAY, 1894.

ANDREW EYRE SAMPSON re-examined.

314. *The Commissioner.*] Do you recognise this book [produced]?—Yes; it is the book for the entry of letters going out of the Buildings for delivery.

315. Do you notice amongst the entries under date 4th April, one letter addressed "*Evening Post*"?—Yes.

316. What facts would you gather from looking at those entries?—That those letters were taken out for delivery by Mason at 10.10 a.m. on 4th April, 1894.

317. On what duty were you employed on or about that period?—I was attending to the Hon. Mr. Cadman.

318. Do you recollect if about that period a letter passed through your hands, addressed to the *Evening Post*?—No.

LETTER FROM E. T. GILLON, Editor of the *Evening Post*, to the COMMISSIONER.

"SIR,—

"*Evening Post* Office, Wellington, 7th May, 1894.

"I have this day been served with a summons, issued by you as a Commissioner, under the Commissioners' Powers Acts, requiring me to attend and give evidence regarding 'the circumstances

of the publication of the contents of Colonel Fox's letter to the Premier of the 16th March, 1894, in the *Evening Post* of the 4th April, 1894.' Mr. Hoben, a member of the *Evening Post* reporting staff, has also been served with a similar summons.

"I desire to protest, in the strongest possible manner, against this attempt to extract from me, or from any member of my staff, secrets which relate to the conduct of the business of this journal. Ministers apparently suspect some officer of the public service of having betrayed confidence, and they have set up an inquisitorial Commission to force a similar breach of confidence and betrayal of trust on my part, or on that of some member or members of the staff of this journal. I regret that they should descend to such an unscrupulous method of seeking to extort information.

"I absolutely refuse to attend myself, or to allow any member of my staff who may be acquainted with the facts at issue to attend.

"In taking this stand I intend no disrespect to the Commission under which you are acting, although I entertain a feeling the reverse of respect for those who are responsible for advising His Excellency the Governor to issue a Commission in Her Majesty's name the purpose of which appears to be to force me or some member or members of my staff to commit a dishonourable action. I am well assured that the powers of the Acts of Parliament under which your Commission has been issued were never intended to be prostituted to such a purpose. As a journalist, I neither adopt myself, nor would I countenance on the part of any member of my staff, any dishonourable means of obtaining information; but when any information is given me in good faith I regard the confidence as absolutely sacred. When I use information so given me, I accept the full responsibility; and no amount of pressure—no threats of pains or penalties—will induce or compel me to violate the confidence I have accepted, or to disclose the source of my information. I hold this to be a point of journalistic honour from which no departure is possible. I may add that in this I am not taking up any new position; I have respectfully but firmly maintained the principle before the Supreme Court of the colony, and risked all the penalties which that tribunal could award for the technical offence of contempt, rather than betray confidence reposed in good faith in me as a journalist.

"I am not likely, therefore, to be frightened or coerced into the commission of what I should deem a dishonourable act by any threats of such a monetary penalty as it is in your power to inflict either upon myself or upon any member of my staff whose examination by you might lead to any violation of the confidence I have referred to.

"Neither Mr. Hoben nor myself will appear or give evidence before you in regard to the subject-matter of the inquiry you are conducting.

"I have, &c.,

"E. T. GILLON,

"Editor, *Evening Post*."

"C. O'Hara Smith, Esq., Royal Commissioner."

JOHN ROBERTSON GIBBONS sworn and examined.

319. *The Commissioner.*] What are you, Mr. Gibbons?—Chief reporter of the *Evening Post*.

320. I believe you have recently had a most interesting tour through the centre of the South Island on a bicycle?—Yes, interesting, but not particularly enjoyable.

321. When did you start?—I started from Picton on the 28th March—the Tuesday after Easter.

322. When did you leave Wellington?—On the eve of Good Friday.

323. Just briefly describe where you went to from Picton?—Leaving Picton on Easter Tuesday morning, I made my way on a bicycle to Greymouth, and arrived there the following Sunday. Continued the journey to Christchurch, and made that city on the following Thursday. I stayed a day in Christchurch, rode on to Lyttelton, caught the "Takapuna" and came back to Wellington, arriving here on Friday morning, the 6th April.

324. You were absent, then, about two weeks?—Yes.

325. When did you read the article in the *Evening Post* or the Press Association telegram regarding Colonel Fox's resignation?—On my arrival in Christchurch I saw a copy of the *Christchurch Press*. I there read that Colonel Fox had resigned, and saw a *précis* of a letter which he was supposed to have forwarded to the Premier.

326. Did you ever see the original letter from Colonel Fox?—No.

327. Did you ever see a draft or a copy of it?—No.

328. Did you see the original paragraph in the *Post*?—No.

329. Do you know who obtained the information for the *Post*?—No. Having been absent at the time, I was not aware who obtained the information, and on my return I refrained from making any inquiries, or satisfying my curiosity.

330. You do not know how it was obtained or who obtained it?—I do not.

331. Have you been given to understand that your newspaper obtained it in a perfectly fair, legitimate, and honourable way?—Yes.

332. Who by?—I do not know.

333. Did you understand that there was no breach of trust or confidence on the part of the person giving the information, or on the part of the *Post* in publishing it?—I have heard it stated that the information was obtained in a journalistic manner, and I understood there was no breach of trust on the part of the *Post*.

334. Did you also understand there was no breach of trust on the part of the person giving it?—I am unable to answer that question.

335. Do you understand, from any conversations you may have had with any persons connected with the paper, that it was not a breach of trust on the part of the person giving it?—I do not know that I have had any conversations with persons who might know.

336. Had you any conversation with Mr. Hoben on the question of breach of faith?—I must decline to say whether I had any conversations with Mr. Hoben or not.

337. Will you give me your reasons for objecting. If you said you understood it was a fair, honourable, and legitimate way in which your paper got the information, and that there was no breach of trust, what made you form such an idea?—You could not form any other impression after reading the paper. I have read the paper closely since my return, and I feel certain that the information was obtained in a journalistic manner, and in such a way as would not disgrace any journalist. That is all I can say.

338. Had you any conversation with Mr. Gillon as to the fair and honourable manner in which it had been obtained?—No.

339. Had you any conversation with Mr. Hoben on the fact that there was no breach of trust in getting the information?—I have had no conversations with Mr. Hoben on that point.

340. As an experienced journalist would you give me a definition of what you consider a fair, honourable, and legitimate way. What is the usual procedure, or who would you first approach in order to get such information as that?—Certainly, I should go to one of the principal parties concerned.

341. If you got an inkling of a piece of public news that would be of interest to the public, and which the public should see, who would be the first person you would approach in the matter?—The person most concerned.

342. I mean, a piece of official public information of that nature. Would you go first to the junior clerk of the department?—Certainly not. I always believe in going to the fountain-head.

343. Whom do you consider the fountain-head in a case like this would be—in a letter from a Minister to a Minister?—One of the Ministers, I suppose. I should make an effort to get it from a Minister.

344. And if the Minister was not in you would go down the scale, I suppose, to the Under-Secretary or the head of the department, I presume?—Yes, that is the method I should adopt personally.

345. You consider it perfectly fair and legitimate first to approach the Minister, if it was a letter from a Minister to a Minister?—Yes; they being the parties most concerned.

346. And do I understand you to say you believe, from conversations with people who ought to know, that the information obtained by your paper was obtained in that way?—I cannot answer that question.

347. But the impression upon your mind was that your paper did get it in an honourable and legitimate way, and that there was no breach of trust on the part of your representative in the manner in which he obtained it?—I have every reason to believe that he got it in a proper manner, and that there was nothing unmanly or dishonourable in the way he got it.

348. You decline to say whether you formed that idea from conversations with Mr. Gillon or Mr. Hoben, either or both?—Yes.

349. I would like to put this question again in another form: Did you understand that there was no breach of trust on the part of the party. Do you think that stands to reason if, as you say, there was no breach of trust or unmanliness, to the best of your belief, in the manner in which the *Post* got the information?—I cannot answer that question.

350. Have you any reason to believe that it was obtained in any way other than the way specified?—I have no means of answering that question.

351. You read the paragraph on your return?—Yes.

352. Will you look at it again and refresh your memory. As an experienced journalist and press-man, do you think this paragraph could have been compiled as the result of a mere conversation?—I cannot say, but I should think it possible that it could be obtained as the result of a simple conversation, by a smart man. It is not a very long article.

353. Do you notice that the reasons are definite and precise, and are stated with an air of authority?—I cannot say that.

354. Would it appear to you that the man who wrote that either had the original or a copy of the letter before him, or that he took it down from dictation from some one who had a copy or the original before him?—Any intelligent man making himself acquainted with the contents of a document could easily do that.

355. Not having the original paper to compare with this, you could not exactly say?—No; but it would not take an intelligent man long to master the contents of a document like that, and give it, virtually, in the paper.

356. Could he give it in the precise words?—That is another matter.

357. Did you notice any difference in the publication between that in the first edition and that in the second edition of the *Evening Post*?—I only saw the second edition, I think, not being in Wellington at the time.

358. If in the first edition of the paper the statement was made to the effect that the Premier sent the Acting Under-Secretary for Defence to make extracts, and in the second edition it stated that an officer of the department was sent to make extracts, what conclusion would you draw from that?—Alterations of that kind are frequently made. They might find out that the first information was not quite correct.

359. Or was it possible that the first information might be correct, and it was altered in the second edition to tone it down a bit?—It is possible either way. I do not know about this case.

360. What was the first intimation you received of Colonel Fox's resignation?—I cannot recollect anything prior to the paragraph I saw in the *Christchurch Press*.

361. Do I understand from you that an officer of your staff would be expected to follow the usual course adopted by you in obtaining information of this nature, by going first to the Ministerial head, and then to the permanent head, of a department?—I think that would be the course adopted, as a rule, by any reporter.

362. You believe any other gentleman of your staff would follow a similar course?—I think it is likely he would. I know that would be my method.

363. Do I understand that your editor would expect you to follow that course?—No directions are given to us. We are told to get hold of a piece of information, and no instructions are given as to how we are to get it, except in very rare cases.

364. While you are expected to behave as a gentleman, and get it in an honourable and straightforward way?—Yes.

GEORGE HUMPHRIES sworn and examined.

365. *The Commissioner.*] What are you?—Assistant in the office of the United Press Association.

366. Would you be so good as to tell me briefly anything you know in connection with Colonel Fox's resignation, and the publication of this paragraph [produced] in the *Post*?—The first I knew of Colonel Fox's resignation was the publication in the *Post* some time towards the end of March—a brief paragraph, and a cross-heading in the second edition. I think it was the 27th March. That stated that he had asked to be released from his engagement by letter to the Premier. That was the first I knew of it. So far as the letters are concerned, I knew nothing of them until I saw them in the first edition of the *Post* on April 4th. The purport of the letters as published in the *Post* appeared to bear the stamp of authority on them, and I made out a message to send to our papers throughout the colony.

367. What document did you make the message up from?—From the first edition of the *Post*. The source of the information was not acknowledged, as is the usual practice when such a message is published, and I did not notice the fact until my attention was drawn to it by the editor of the *Post* after some of the papers to which it had been sent arrived in Wellington. At the same time he told me he knew it must have been their paragraph, because there was a slight difference in one part in the second edition: in the earlier edition it mentioned—in one place it mentioned—that it was the Under-Secretary of the Defence Department who took extracts from Colonel Fox's letters. In the second edition the editor told me they had made an alteration of the words to "an officer of the department." That was the first I knew of that alteration. It was when I was explaining that it was through my oversight the correspondence was not acknowledged as from the *Post*.

368. Does that account for the difference between the Press Association message and the extract from the *Post* which I have now before me?—Yes; that is the reason of the difference. I took out the message from the first edition, and it was not until I saw Mr. Gillon, and he was complaining that I did not acknowledge that it came from the *Post*, that I noticed there was any change. Mr. Gillon thought it was information of a kind such as ought to be acknowledged as from the *Post*. The ordinary news about town, as a rule, is not so acknowledged. I quite agreed with him, and explained that it was through an oversight. I do not know if there was any other difference, but that was the one point he mentioned, and which would go to show that it must have been from the first edition I took it.

369. Did he say which was the more correct?—No. He just pointed out to me that I had not acknowledged it.

370. Did you get the information independent of him at all?—No. It was taken from their first edition.

371. I understand you to say you copied it *in globo*?—Yes.

372. Did you ever see a manuscript copy or shorthand copy of the paragraph?—No; nothing at all. I knew nothing about it until its publication in the *Post*.

373. Did Mr. Gillon tell you where or how they got the information, or anything about it?—No.

374. Do you know Mr. Hoben?—Yes.

375. Did you ever have any conversation with him about the paragraph?—Not before that. Of course we have spoken about the incident since.

376. Can you remember the conversation you had with Mr. Hoben subsequent to the publication?—I have just chaffed him about having to go to gaol, and being excluded from the Buildings, and so on. I have not even asked Mr. Gillon or Mr. Hoben where they got the information, because I knew I should be refused.

377. Did either of them volunteer the information as to where they got it?—No.

378. Do you know anything of your own knowledge which would lead you to form an idea as to how they got it?—No; I have no idea at all.

379. Did you understand from Mr. Gillon or Mr. Hoben that they got hold of the information in an ordinary way?—Yes; from Mr. Gillon.

380. What led you to think they got hold of the information in an ordinary way?—We had several conversations at the Empire Hotel, where Mr. Gillon lodges and I have my meals, and we have chatted both before and after dinner about it, and I have always understood from his conversation that they got it in a legitimate manner.

381. You understood from his conversation that he got the information in a perfectly straightforward, legitimate, and honourable manner?—Yes.

382. And that the person who gave it to him had no objection to the publication of it?—I could not say anything about that.

383. What would you understand by the term "legitimate way"?—Such a way as would justify a pressman in using it.

384. Do you understand that the person who gave the information was committing no breach of trust, and that he had authority to give it?—Presumably the person who gave the information had power to do so, and was committing no breach of trust in doing so.

385. Had you any conversations with Mr. Hoben on these points?—No; I seldom see Mr. Hoben.

386. Did he ever lead you to suppose that the information was obtained in a perfectly honourable and straightforward way?—No; he did not speak to me on the subject.

387. Had you any conversation with any of the *Evening Post* people which would lead you to believe the same thing?—No; I only had a conversation with Mr. Gibbons, who told me he had received a subpoena. He also told me he was away when the publication appeared.

388. As an experienced pressman, Mr. Humphries, what would you gather from the fact that you were led to believe that the information had been obtained by Mr. Gillon in a perfectly legitimate, straightforward, and honourable way? Would you think it so if such a piece of information was got from an officer of the Civil Service without the consent of a Minister of the Crown?—I hardly think a junior officer would be consulted by a press-man. My experience is that we always go to the head of the department. If we cannot see the Minister, we go to the Under-Secretary.

390. If you got information from a Minister, or the head of the department, or the Private Secretary, would you consider it legitimate?—Certainly.

391. Are you acquainted with anything else in connection with this inquiry that would tend to enlighten the Commission?—Nothing whatever. Since the publication of the correspondence the mouths of every one connected therewith have been closed.

392. As an experienced press-man, are you of opinion that the paragraph which appeared in the *Post* could be compiled as the result of a mere conversation?—No.

393. Do you think it would be necessary, in order to compile a paragraph of this nature, that the press-man should have either the original or a copy of the document before him?—Either that, or some material on the heads of the matter.

GEORGE HUMPHRIES sworn and re-examined.

394. *The Commissioner.*] This book [produced] is the record-book of letters sent out of the Buildings for delivery in town. On 4th April, 1894, Mason, the messenger, at 10.10 a.m., took a bundle of letters out for delivery, and amongst them was one addressed to Mr. W. H. Attack. Mason has sworn that he took the letter down to Mr. Attack's office and laid it on the table before you, saying, "For Mr. Attack." I did not know of this fact when I examined you before. Can you recollect who that letter was from?—Yes. When I first received your subpoena for my attendance on Wednesday last, I thought possibly you wanted to know if I had been in the Buildings that day. I therefore turned up our list of items of Government news to go out about that time. On that list I noticed "Agricultural Statistics"; and that is the letter Mason brought me—from Mr. Von Dadelszen. It was the statistics for the Canterbury District. We had rung him up to let us know the returns for each district as soon as completed. I remember Mason bringing the letter in addressed to Mr. Attack.

395. Previous to the publication of that paragraph in the *Post* on 4th April, did you get any hint that such a paragraph was about to appear?—I saw a paragraph previously which suggested to me that the letters, or the contents of the letters, must have been known in town. That paragraph appeared on 27th March, and on the 28th or 29th March the *Post* had a leading article on the position of the Commandant. The *Times* referred to this next morning, chaffing the *Post*. Then, on the 30th March, I think, the *Post* referred to it in terms something like this: "When the contents of the letters are known, our contemporary will not be so exultant"; and "Those who laugh last laugh best." And at that time, I think, somebody belonging to the *Evening Post* office knew something of the letters.

396. Then, I understand that prior to the publication of the alleged reasons given in the *Post* of the 4th April you had no idea they were going to appear?—No.

GEORGE HUMPHRIES, re-examined.

397. *The Commissioner.*] Mr. Humphries, you have heard Mr. Campbell's evidence, and I have read to you my notes of the evidence. Will you kindly say if you remember the conversation alluded to by Mr. Campbell?—No; I cannot remember the conversation alluded to. I do not deny that I may have had a conversation with Mr. Campbell in which the subject of the Fox correspondence formed portion of the conversation. I never had any special conversation with Mr. Campbell on the subject. The matter may have cropped up in general conversation. I have no recollection of the conversation referred to by Mr. Campbell; and, if I did make such a remark, it was not true, as I know absolutely nothing about the publication of the letters. I do not know, and have not the faintest idea, who gave the information to the *Post*.

WILLIAM HARRINGTON ATTACK sworn and examined.

398. *The Commissioner.*] What is your profession?—I am manager of the Press Association.

399. The record-book in the messengers' room shows that among the letters entered for delivery in town on the morning of the 4th April last, at 10.10 a.m., was one entered as having been taken to you by Mason, the messenger. Mason himself swears that he took that letter to your office and left it on the table, saying to Mr. Humphries, who was there, "For Mr. Attack." Some one else was in the room with Mr. Humphries at the time, but he does not know if it was you or not. Do you recollect receiving such a letter?—On my return to the office, after having been away just upon a fortnight, unwell, I found a whole budget of letters for me. I just visited the office on the Monday, I think; but, having taken no particular note of the letters, I cannot, just at this moment, recollect what letters there were in that budget. Some of them had been opened in the ordinary way of business, and some had not. I cannot just at this moment recollect any coming from these offices. It would not be a strange occurrence, however, because we frequently get letters from these Buildings, from the Public Works Department, containing notifications of tenders, &c.; so that if I had received such a letter then it would not be particularly impressed on my memory. I could not say anything more definite than that until I had a search. Does the messenger remember what sort of an envelope it was in? Was it an official envelope?

400. One of the messengers says the letter was in a note-sized envelope, square, not a private envelope. It might have had a red seal on the reverse side?—I cannot at this moment recollect such a letter; but Mr. Humphries ought to be able to tell you more about it. He may have opened the letter, seeing it came from the Buildings. It may have been an announcement of tenders, and disposed of there and then.

401. Were you at your office on the 4th April?—No; I was ill in bed on that day, and did not get out for three or four days afterwards.

402. Did you transact any business on the 4th April?—I do not think it is possible I could have.

403. In your absence, would Mr. Humphries probably open the letter?—Yes; as a matter of fact, he opened a good many business letters. Those addressed to me privately he would not meddle with.

404. What was the first intimation you had of Colonel Fox's resignation, so far as you can remember?—The first I knew of it was the first announcement I saw in the *Post*: that was, I think, at the end of March.

405. Prior to the publication of the paragraph in the *Post* of the 4th April did you receive any information as to his resignation, or that there would probably be a paragraph in the *Post* containing that information?—No; I knew nothing at all about it until I saw what purported to be the substance of the letters in the *Post*.

406. You had no hint that such a paragraph was going to appear?—No; and it never struck me that the letters were likely to be published at all.

407. Did you instruct Mr. Humphries to look up the *Post* and get this information, or did he do it of his own motion?—So far as I recollect, he did not refer the matter to me at all.

408. I would like to get some expert evidence from you. First, would you state briefly what is the usual and ordinary course adopted by a gentleman connected with a large and influential paper like the *Post* in obtaining possession of a letter of such great importance. What would you do yourself?—If I had reason to suppose there were documents worth telegraphing I would undoubtedly go to Ministers, and see if I could obtain them from Ministers.

409. And in the absence of Ministers?—Then I should make inquiries to see if they were to be obtained by any one else in authority.

410. Who do you mean by that?—Either the next in command, or any officer who had power to supply such information.

411. Do I understand that is the course you usually adopt?—Yes, when I am seeking information in the Buildings.

412. Do you consider any departure from that rule would be considered an honourable and straightforward way?—Of course information may be obtained from an Under-Secretary, and still be obtained in a perfectly legitimate manner.

413. I will confine my questions to communications between Ministers. The only way to obtain such information, I understand, is to obtain it in the manner stated by you; and that is the only honourable, open, and legitimate way?—I should say that is the only way to expect it to be obtained. Of course it might be obtained from an Under-Secretary or Private Secretary, or some other responsible officer who had power to give it.

414. Otherwise you consider it would have been obtained without the authority of Ministers?—Of course somebody else might be able to give the information, but I should have to judge of the character of the person who would give it before I could say whether it was got honourably or dishonourably. One would have to judge of character as well as of status. Then, again, I might have no reason to assume that the way the person giving it came by the information was in any way dishonourable, and it might afterwards turn out that he had obtained it in a surreptitious manner, without making that known to the recipient until after publication. That seems to be quite a feasible position.

415. From what you have heard on the subject outside, would you conclude that it had been received in a perfectly straightforward manner?—If you mean current gossip, you must be aware that there are many stories coming under the head of gossip about this matter which probably rest on no foundation whatever.

416. Do you think it was obtained in a straightforward manner?—I should think, if Mr. Gillon says he obtained it in a manner that was honourable, it would be so.

417. Are you of opinion that he got it in a legitimate way?—Well, you are asking me to state what the Commission was appointed to determine, as far as I can see.

418. Did you have a conversation with Mr. Gillon or Mr. Hoben which would lead you to suppose the information was obtained in a straightforward and legitimate way?—I had no conversation with either of them about the way in which the letter was obtained. I know nothing whatever of the facts of the case. I may say, so far as I am aware, I have no reason to suppose that the letter was not obtained in an honourable way. In fact, I know nothing about it.

Lieut.-Colonel ARTHUR HUME sworn and examined.

419. *The Commissioner.*] What are you?—I am Acting Under-Secretary for Defence.

420. You might state briefly anything you are aware of prior to the publication in the *Evening Post* of Colonel Fox's letter on the 4th April—anything in connection with the proposed resignation of Colonel Fox, or with the letters referred to?—One morning Colonel Newall came into my office—this was before anything appeared in the papers at all—and he asked me if I had heard the news. I said, "What news?" He said, "Colonel Fox has resigned." I said, "No! He did not tell me anything about it." Then I added, "I am very sorry to hear it," or something of that sort. A day or two afterwards—again before anything had appeared in the newspapers—Colonel Fox came into my office and said, "I suppose you have heard that I have resigned." I said, "Yes, between

ourselves, Newall told me a day or two ago." He then said, "I have offered to go if they will give me £1,000 and passage for self and servant, and I have also given them my reasons for wanting to go." I heard nothing more of the matter until Sir Patrick Buckley sent for me on the day after the letter appeared in the *Post*. The letters were supposed to have arrived on Tuesday night. They appeared in the *Post* on Wednesday night, and I was sent for on the Thursday morning. Sir Patrick then told me that Mr. Hoben had been in to ask him if he had received a confidential letter from Mr. Seddon, stating at the same time that he knew what was in it. Sir Patrick added that his reason for sending for me was to consult me as to how best to ask Colonel Fox to account for the letter being in the newspaper. I did not see the documents until long after the Premier's return to Wellington. I did not know they were in existence, and at the present moment I do not know whether they are entered in the Defence Office letter-book or not, of my own knowledge. I think that is about all I can tell you.

421. Have you had the press-copy book in your possession since the 16th March?—No; of course I very seldom have occasion to send for it, because in the Defence Department we always put a press copy of our reply on the record itself.

422. Did you see any of Colonel Fox's rough drafts?—No; and he never gave me any idea of what he had sent. I have given you the whole of the conversation. One of the documents is in Mr. Boyle's handwriting. I have seen that since the Premier's return.

423. Were you aware of the reasons which induced Colonel Fox to resign?—Not until I saw them in the *Post*. That is the first I saw of them.

424. Do you know any of the reporters of the *Post* to speak to?—Yes; Mr. Hoben comes round to my room about two or three times a week on an average, I should think.

425. Has he ever approached you on the subject of Colonel Fox's resignation, or the reasons for his resigning?—No.

426. Has any other Press reporter done so?—No.

427. Have you read the extracts in the *Evening Post* newspaper, purporting to give the contents of Colonel Fox's letter of 16th March?—Yes.

428. Did you notice a paragraph in which it is stated that the Premier sent an officer of his department to make extracts from Colonel Fox's letter-book behind his back?—Yes.

429. Do you know the letter-book referred to?—No. There is no such book kept in the Defence Office. The only letter-book I know of is the official departmental letter-book.

430. I presume that you, as Acting Under-Secretary of the department, have entire access to that letter-book at any time you may require it?—Yes.

431. Who signs the majority of the letters that appear in the book?—I do.

432. Then, are you of opinion that the expression "Colonel Fox's letter-book" is inaccurate?—It is misleading altogether.

433. It is not his letter-book?—No.

434. I imagine the book he refers to is the Defence Office letter-book?—Quite so.

435. I presume that all the letters appearing in that book are official pure and simple, and are, or should be, accessible to the Acting Under-Secretary and his Minister at any time?—That is the rule of the Service in all departments.

436. Are you aware of any Under-Secretary who keeps an official letter-book which is not accessible to the Minister of his department?—No.

437. Would you consider the keeping of an official letter-book by an officer of the Government that was not accessible to the Minister a right or wrong action?—Certainly wrong. I may state that the Queen's Regulations lay down what a letter-book is from a military point of view. Of course that would be a regimental one, but it is really the same thing.

438. Were you aware that the letter had been returned by the Premier to Sir Patrick Buckley prior to your interview with Sir Patrick Buckley?—No.

439. Can you remember if you told any one about Colonel Fox's resignation prior to the publication of the article appearing in the *Post*?—No; I knew so little about it that I could not say anything definitely.

Lieut.-Colonel STEWART NEWALL sworn and examined.

440. *The Commissioner.*] What office do you hold?—I am in command of the Wellington District.

441. Will you kindly tell the Commission anything you know in connection with the subject-matter of this inquiry—viz., as to the publication in the *Post* of Colonel Fox's letters?—I saw what purported to be an epitome or *résumé* of a letter which had been sent by the Commandant to the Premier.

442. Previous to the publication of that letter in the *Evening Post*, had you any idea that it was the intention of the Colonel to proffer his resignation on certain terms?—Yes, I had.

443. Were you aware that he had written such a letter?—Yes.

444. Did you see the letter, or a copy of it, prior to its publication in the *Post*?—I did not see the letter—that is, I did not see one word the letter contained, but I saw the paper in Colonel Fox's hand, which he gave me to understand was a letter to that effect.

445. I understand you to say that you did not read any portion of the letter, or see a copy of it?—No.

446. Were you aware of the terms of the letter, or of the reasons adduced in the letter?—Yes, to the extent that might be gathered from a hurried and short conversation on the subject.

447. Did you take it that he had absolutely resigned?—No; but from what he said I felt certain he was in earnest about resigning.

448. Do you recollect about the date of that conversation?—It was about the 17th March; but I am not sure to a day.

449. Have you at any time since the date of that conversation perused the letter, or a copy of it?—No; I never had it in my hand.

450. Had you permission to divulge the nature of the conversation with Colonel Fox, or did you consider it confidential?—To an appreciable extent I considered it confidential.

451. Did Colonel Fox ask you to treat it as confidential?—No.

452. Are you acquainted with any reporters of the Press?—Yes, I know one—a tall young man, whose name, I think, is Hoben. I also know slightly one of the *Times* reporters, but I do not know his name.

453. Has either of them approached you at any time on the subject of the letter, or resignation, or anything connected with it?—No, never, before or since, nor at any time.

454. Do you remember having mentioned the matter of the proposed resignation of Colonel Fox to anybody else?—Yes, to one man only—Colonel Hume; and that was in his office.

455. About what time?—I think it must have been immediately after Colonel Fox spoke to me.

456. Before the encampment?—Yes.

457. Are you aware of anything else which might tend to elucidate the mystery?—Absolutely nothing. My remark to Colonel Hume was afterwards mentioned between Colonel Hume and myself. I said to him, “Did you mention anything I said to you the other day?” and he replied, “I told Fox that you and I were having a chat, and you mentioned it.” Colonel Hume is the head of my department, and I did not consider that in speaking to him I was guilty of any breach of confidence.

458. There is nothing else you can tell the Commission?—No.

Captain JOHN COLEMAN sworn and examined.

459. *The Commissioner.*] What are you?—Captain, Permanent Artillery.

460. Will you tell me what is the first you knew of Colonel Fox's proposed resignation?—Early in March I was speaking to him about a new infantry-drill book at Home, and I asked him if he would adopt them here. I was then about to leave for Hawera to train a troop. He replied that he would do nothing in the matter until things were settled about his own official position. At the same time he led me to imagine that if he was not placed in the position of Commandant he intended to resign, or words to that effect. On my return to Wellington, when speaking to him about the proposed Easter encampment, he told me he had sent in a letter tendering his resignation, I understood, if he was not placed in the position he considered he was entitled to. That letter, I may say, I never saw, nor did I even see the cover of it.

461. Do you mean the original letters?—I mean the letter there is supposed to be a bother about. In fact, I do not think I ever saw a note or letter from him in my life.

462. You did not see either of the original letters, or a copy of them?—No. I did not know there was more than one. So that there may be no mistake, I will not say definitely whether he said he had sent the letter in, or whether he intended to send it in. I believe, myself, he said he had sent it in. I was back in Wellington on 28th March, and saw him the next day.

463. Did you mention this fact to anybody?—No, not until I heard he had resigned, when it was the talk of the town; and, when passing down, at Palmerston I met some Manawatu men, and they asked me if it was true, as it was in the papers. I said, Yes, I believed it was.

464. That was after the publication of the information in the *Post*?—Not the full publication.

465. He told you nothing more than you have said?—No. I could not remember the words, but that was the purport of them.

466. Did he give you any of the reasons as they appear in the *Post*?—No. I was thunder-struck when I saw the publication.

467. Prior to 4th April, 1894, were you approached by any newspaper representatives for information on the point?—No, not from the 1st March to the present moment.

468. You never spoke to any newspaper men on the subject?—No, nor they to me.

HENRY STRATTON ROYLE sworn and examined.

469. *The Commissioner.*] What position do you hold in the Government Service?—I am Chief Clerk and Accountant in the Defence Department.

470. Will you please give me a brief statement of what you know about the writing and despatch of the letters mentioned in the Commission?—At about 4.30 p.m. on the 16th March Colonel Fox called me into his room, and he produced the proofs of those three letters, and said he would like to get them off that night to Auckland, so that the Premier could get them at once. At first it was thought there was not sufficient time to do this. However, eventually we found it could be done by posting the letters on board the steamer.

471. Who posted the letters on board?—Mr. McGoldrick, the Junior Clerk in the office. I wrote two of the letters myself from Colonel Fox's drafts, and he wrote the third. As near as I can tell you, they were finished at about a quarter past 5 o'clock. I detained Mr. Grey and Mr. McGoldrick in case they should be wanted to assist, and as soon as the letters were written they were press-copied in the book. I then gave orders that the book was to be put under lock and key. That is all I can tell you about the matter, so far as I know.

472. You say the third letter was written by the Colonel himself?—Yes, the letter he wrote was the one giving his reasons for his resignation, and I wrote the covering letter and the one tendering his resignation.

473. Who pressed them in the letter-book?—Mr. McGoldrick.

474. Any gentleman, I suppose, has access to the press-copy book—that is, any officer of the Defence Department may find it necessary to press a letter into the book?—Hardly that. The department is divided into two branches, one being the Permanent Militia, and the other the Volunteer branch of office. Mr. Grey is Record Clerk for the Volunteer branch, and Mr. Donnelly

for the Permanent Militia. Donnelly would not have access to the book in the Volunteer branch unless he might be ordered, in the absence of the ordinary officers, to press a letter. But that is a case not often likely to occur.

475. Still, if he wished to have a look at the book in the other branch, he could do so, I suppose?—Yes, I suppose so; there is no rule against that. In fact, his business might occasionally take him there.

476. Or, if you were in a hurry you might ask him to press a letter into the book?—That might possibly happen, but I do not think it ever does.

477. You know several *Press* and *Post* reporters?—Casually, yes. I know Mr. Hoben, and I know Mr. Humphries slightly, if he may be called a *Press* reporter. I am not aware of any others, unless it be the men I meet during the session occasionally.

478. Do you know Mr. Gibbons?—Yes; very slightly. Just a bowing acquaintance.

479. Do you know Mr. Gillon?—No. I have never spoken to him in my life.

480. Prior to the publication of this letter on 4th April, had you a conversation of any kind with Mr. Hoben on any matter connected with Colonel Fox's resignation?—No.

481. He did not approach you, or ask you for any information, or seek to acquire information from you in any way?—No.

482. Nor any other reporter of the *Post* or other newspaper?—No.

483. Were any special instructions given to the gentlemen of your office to keep this matter particularly quiet?—No; but, as a matter of fact, everything in connection with Colonel Fox, since he wrote his report, has been taken care of in an almost exceptional manner. Of course, one's own common-sense would tell them these were not matters which should be allowed to become public.

484. You have no recollection of having inadvertently mentioned this matter to any one?—No.

485. Is the book locked up at night?—Yes; and at lunch-time.

486. In a safe or a drawer?—In a cupboard.

487. Who keeps the key?—Mr. McGoldrick.

488. Are there any other gentlemen of the Defence Department having access to that room?—Oh, yes! they all do.

488a. Do Colonel Newall or Sergeant-Major Finn ever have any business to transact?—Yes; but they merely come in, do their business, and go out again.

489. I should like you to tell me anything else you might know that might help to elucidate the mystery?—I am sorry to say I do not know of anything. It is really just as much a mystery to me as it is to you. I would only be too glad to know who was the man who gave the matter away.

490. I presume you have perfect trust in the gentlemen of your office?—Unbounded. I would trust any one of them with anything. I have proved them.

491. Is it customary for reporters of the *Evening Post* to come up and endeavour to acquire information?—No. They may have come about twice, and that was for some information concerning men at their death, and for particulars of their doings, their birth, and so on. When they want information, I presume they go to the head of the department for it.

492. You do not think it would be possible for any one to get in at night—any one connected with the department or not so connected?—I would not like to say Yea or Nay to that. It is impossible to say what happens after one has gone from the office. Telegraph-boys and messengers used in the past to have access to the rooms. I do not know whether they do now.

494. Do any of the officers go back to work at night?—I am the only one who goes back at night, and that is seldom.

495. From an examination of the copies of those letters, as appearing in the letter-book, who would you say indexed them?—Mr. McGoldrick.

496. Did he also press-copy them?—Yes.

WILLIAM MCGOLDRICK sworn and examined.

497. *The Commissioner.*] You are?—Clerk in the Defence Office.

498. Will you tell me briefly all you know in connection with the writing, press-copying, and indexing of the letters from Colonel Fox to the Premier of the 16th March last?—A little before 5 o'clock on that day Mr. Royle told me he would require some copying to be done, and shortly afterwards he brought me part of the letters written in his own handwriting, and the latter part written in Colonel Fox's handwriting. I copied them as usual, and while I was so doing Colonel Fox came in and asked me if they were being got ready, and he said, "You will see that they are posted." I said I would, and I took them down to the purser on board the mail-steamer. I told him (the purser) the letters were important, and gave them into his charge. As to the indexing, I subsequently indexed them in the usual way.

499. What steamer was it?—I am not quite sure, but I think it was the "Manapouri." She left at about 6 o'clock for Auckland.

500. Do you know the purser's name?—No; I just inquired for the purser, and was shown to his cabin. I told him the letters were important, and he replied that he would see to them, and that they would be all right. I thanked him and left.

501. Had you any idea previous to the receipt of those letters that it was the intention of Colonel Fox to resign?—No.

502. Have you official charge of the letter-book?—Yes.

503. You keep the key of the cupboard in which it is placed?—Yes.

504. And that is the book in which the documents were copied?—Yes.

505. Have you at any time been approached by any *Press* reporters endeavouring to get information?—No; in fact, I do not know them.

506. Had you any instructions from your superior officers to disclose any information in regard to them?—On the contrary, Mr. Royle told me to lock up the book while I was out of the office.

507. Have you seen any newspaper reporters about the office?—No.

508. I presume you were considerably surprised when you saw the account of the affair in the *Post*?—Well, yes, I was.

509. I presume all the gentlemen have free access to the letter-book if it is their duty to press-copy any letters at any time?—No; I am the only one who press-copies letters, unless I am out of the office.

510. But any one having business with the book in the office has free access to the book, supposing it was their duty to go to the book?—Yes, if it was their duty. But that is part of my work.

511. Is there any one else you are aware of who is in the habit of going into your office occasionally? Does Colonel Newall go into the office often, or occasionally?—Yes; but he simply leaves papers, and asks us questions sometimes.

512. Does Sergeant-Major Finn ever go to the office?—Yes; but very seldom. Of course, Colonel Newall is the officer commanding the district, and has to make inquiries.

513. Are you aware of anything, of your own knowledge, that would tend to throw any light on the publication of the papers?—No; I have no idea.

514. You have not communicated the contents of it even inadvertently in conversation, so far as you are aware?—No.

515. You did not tell anybody there was such a letter in existence?—No.

516. Do you think it would be possible for any unauthorised person to get access to that book without the knowledge of the officers of the department?—I do not see how it could be possible. They dare not look at it while we are in the office, and it is locked up while we are absent.

517. Does Colonel Hume go into your office?—I do not think I have ever seen him in our room. He goes to Mr. Royle's.

518. Then the book is not kept in Mr. Royle's office?—No; in my room.

519. I presume you gave the letter no more attention than if it was just any other letter?—No; I took no more notice of it than if it was an ordinary letter.

520. Are you aware of the provisions of the Official and Colonial Defences Secrets Act of 1891? Have you read the Act?—Yes.

521. I presume, from the time you posted the letter to the time you saw it in the *Post*, you thought nothing more about it?—I do not think so. Of course, I subsequently read it to index it, but that is all.

522. Did you gum up the envelope in the ordinary way, or did you seal it?—I used the gum-pot, and then put the envelope in the press. It was in a linen-lined envelope. There was no sealing-wax used.

523. You think it unlikely it would break open in the Post Office?—No.

524. Nor come open through being knocked about a bit?—No; when I am forwarding medals and other valuables I do the same thing.

525. I understand the three letters were in the same envelope?—Yes.

526. I suppose you have told me all you know in connection with the subject?—Yes.

THOMAS FRANCIS GREY sworn and examined.

527. *The Commissioner.*] What are you?—I am Record Clerk in the Defence Office.

528. You might briefly tell me anything you know in connection with the writing, copying, indexing, or despatch of the letter from Colonel Fox to the Premier on the 16th March?—Mr. Royle brought the drafts of the letters, or some of them, from Colonel Fox, and made a fair copy of them himself. He then took them back to the Colonel, and brought out one or two of them signed. Mr. McGoldrick then press-copied them into the letter-book and put them in an envelope, and I understand he took the envelope down with him to the steamer, as the mail had closed.

529. Did they come into your hands in any way?—Just for a few minutes. They came into our room at five minutes to 5, just as we were about to leave, and I gave a hurried glance through before they went away.

530. You recorded them?—No; they were confidential. I intended to record them when they came back from the Minister, in the usual way, if they did come back.

531. You thought the copy in the letter-book was a sufficient record for the time being?—Yes. Of course, they would have to be recorded eventually.

532. Did you read the letter subsequently in the press-copy book?—Yes.

533. What for?—Just for my own curiosity.

534. You took no notes of the salient points of the letter, I presume?—No.

535. Have you seen any reporters from the newspapers in the vicinity of your office lately?—No.

536. Have any reporters ever approached you in any way asking for information?—No. In fact, I do not suppose I have spoken to a reporter for years.

537. You are not aware of any instructions having been issued to any one to supply this information?—No; it was just the contrary. We were told that it was to be kept confidential; and I heard Mr. Royle give instructions to Mr. McGoldrick to keep the book locked up.

538. Is the letter-book usually kept locked up?—Not unless there is something confidential, which is to be so kept for the time being. It is usually kept in the rack at the office.

539. Do all the officers go away to dinner at the same hour?—Yes. Ever since that letter was written, the book has been kept under lock and key during lunch-hour.

540. Not only since the letter was published?—No; since it was written.

541. Would you name any other officers of the Defence Department who are in the habit of going into your office occasionally on business?—Captain Faulkner, Captains Anderson and Coleman, Express-driver Hepburn, Mr. O'Sullivan, of the Defence Stores—the latter very rarely.

542. Those people, I presume, would come in casually?—Yes; and very seldom, with the exception of Captains Faulkner, Coleman, and perhaps Captain Anderson—they are in pretty frequently.

543. And Colonel Newall?—Yes, he comes in very often—daily, in fact.

544. And Sergeant-Major Finn?—Yes, he comes in occasionally.

545. Is Mr. Tegnér in the habit of coming in occasionally?—Yes.

546. Is he an officer of your department?—No; he is in the Public Works Department. He was at one time in the Defence Engineer's office. Of course, the messengers are always in and out, and sometimes between 1 and 2 o'clock, while we are away.

547. Who is the messenger to your office?—Asplin generally, I think.

548. Are you aware of any one outside your own staff who would be likely to have access or refer to the letter-book?—Outside my room and Mr. Royle's room, the Under-Secretary, Colonel Hume, would be the only one likely to have access.

549. Are any of Colonel Hume's letters pressed in the book?—Yes. He signs the letters as acting Under-Secretary—that is, relating to defence business—and they are pressed in our book. Nearly all the letters are signed by Colonel Hume. In fact, I may say, all of them.

550. We cannot say all of them, when Colonel Fox signed the letters in question?—No; but, of course, that was a letter from himself personally. It was a personal matter.

551. Are you aware of anything else that might throw any light on the matter?—No. I would be only too pleased to give information if I could. I feel positive, in my own mind, that the information did not come out of our office or through any of our staff.

MARSHALL JOHN DONNELLY sworn and examined.

552. *The Commissioner.*] What are you?—A clerk in the Defence Office.

553. Will you kindly tell me briefly anything you can remember in regard to the writing, press-copying, indexing, or despatch of the letters from Colonel Fox to the Hon. the Premier of 16th March last?—I know nothing whatever about the matter. I did not know what was in the letters until I saw a copy in the papers. I was on leave from 22nd March to 9th April.

554. Prior to your going on leave did you know anything about the letter?—I knew nothing whatever about it.

555. Did you hear of any hint of a conditional offer of retirement on the part of Colonel Fox?—No. It may seem strange, being in the office, but it is a fact, nevertheless.

556. Do you know any of the reporters on Wellington papers?—I know one slightly.

557. Who is he?—Mr. Gibbons, of the *Post*.

558. Do you ever see reporters about the office trying to get information?—No, they never trouble us. I have seen them in the Buildings, but only once or twice in the office, and on those occasions they were sent by some Minister for some particular thing.

559. Has any reporter, prior or subsequent to the publication of the letter, approached you on the subject?—No.

560. What other officers generally frequent your room, or are in the habit of going there on business?—There are none that I know of, except Colonel Fox and Colonel Hume, who come into my room.

561. What room are you in?—Mr. Royle's room.

562. Do not any other officers go there occasionally, on business?—Colonel Newall comes there now and again, also Sergeant-Major Finn.

563. Does Mr. Tegnér or any one like that outside the Department?—Mr. Tegnér has come in now and again for the use of the type-writer, but not on any other business that I am aware of.

564. Have you access to the press-copy book if you require the use of it on business?—Yes.

565. Did you ever hear of any instructions being issued to keep it carefully locked up?—I cannot say I have. They may have been given, but I did not hear them, as I am in a different room. I have since heard that such instructions had been given at the time.

566. You know where the book is kept?—Yes.

567. Have you a key of the cupboard?—No.

568. Have you anything else to say that might throw light on the subject? If anything strikes you as being remarkable, or curious, or that would in any way tend to enlighten the Commission, I should be glad to hear it?—No; I know of nothing. I would like to explain that it is over twelve months since I had any communication with Mr. Gibbons, of the *Post*, and that was in connection with some lodge socials of which I was secretary. He used to come to me for information as to the singers, &c.

LOUIS FERDINAND TEGNÉR sworn and examined.

569. *The Commissioner.*] What are you?—I am at present a clerk in the Public Works Department.

570. You might tell me briefly anything you happen to know in connection with the subject-matter of this inquiry—that is to say, the publication without authority of certain important documents relating to the defences of the colony. Do you know anything at all about the matter?—Absolutely nothing.

571. You have charge of certain plans in connection with the forts, &c.?—I have charge of the whole of the confidential plans of mine-fields, the forts, and of certain confidential records relating to the harbour-defences of the colony.

572. Did Colonel Fox's letters, or rough drafts of them, or copies, come before you in any way?—No.

573. Did you ever see a rough draft or a copy of the letter published in the *Evening Post* in any shape or form?—No.

574. Does your business take you occasionally to the Defence Office?—When required by the Commandant to give him any information concerning the plans of the harbour-defences, I would go in and ask for any records that might be required from the Defence Department, but not in my present capacity as clerk in the Public Works Department. I am really Harbour-Defence Clerk—at least, I remained so up to the time Mr. Arthur Bell left the service. After that, I was transferred to the Public Works Department; but I still retain charge of the harbour-defence plans.

575. Were you aware, until the notification in the *Post*, that it was the intention of Colonel Fox to resign?—No.

576. Had you heard any rumour of it?—I may say, officially, No.

577. Did you hear of it privately?—No.

578. Had you any inkling whatever of the probability of Colonel Fox resigning?—That is a somewhat difficult question to answer. Having acted as sworn confidential clerk to Colonel Fox in connection with the harbour-defences, and having charge of the documents in connection with those defences, I could only see, of course, how things were going, and I had an idea in my own mind that the probability was he might resign.

579. I understand you gathered from the position that Colonel Fox might resign?—I gathered that, if the recommendations contained in the Commandant's report were not carried out, he would probably resign.

580. What report do you refer to?—To his confidential report as to details of the forts and so forth, which has never been published.

581. Did you form any idea of what his wishes were?—I knew what his demands were by the nature of his reports.

582. Did they include his request that he should receive compensation in any shape or form?—No; absolutely nothing of that sort.

583. Do you know Mr. Gillon of the *Evening Post*?—I know him by sight, and have nodded to him occasionally, through meeting him with his brother.

584. Did you have any conversation with him about that time, or subsequently?—No.

585. What other press representatives do you know?—I know Mr. Hoben to speak to, from seeing him in the Buildings, and I know one of the *Times*' reporters slightly, though I cannot remember his name.

586. Have you had any conversation with any of those gentlemen about that time?—No.

587. Did you ever give your ideas on the subject to anybody?—No; the first I knew of it was when I saw it in the *Post*.

588. Did you ever, either inadvertently or otherwise, mention or hint to anybody your idea that Colonel Fox might resign if he did not get his own way?—In discussing military matters generally with military men I may have been asked my opinion as to the Commandant's position.

589. Do you think any one might gather from your remarks that such a thing was contemplated?—No, I think not. In fact, I did not know that it was contemplated.

590. Have any newspaper representatives approached you at any time to ask for information on the subject?—Never.

Sergt.-Major JAMES FINN sworn and examined.

591. *The Commissioner.*] What are you?—Drill Instructor.

592. You occupy one of those rooms, do you not, in conjunction with Colonel Newall?—Yes.

593. Will you tell me if you ever saw the original letters which form the subject-matter of this inquiry?—The first I knew of the letters was when I saw the publication in the *Evening Post*.

594. Did you ever see the original letters?—No.

595. Did you ever see copies of the original letters?—No; except what was reported to be a copy in the *Evening Post*.

596. What was the first you knew of Colonel Fox's resignation?—Seeing the letter in the *Post*.

597. Have you ever given any information on the subject to any reporter prior to 4th April?—No. I could not do so, not having any knowledge of it.

598. Have you ever been asked for any information on the subject by a reporter?—No.

599. Do you ever use or press-copy letters into the letter-book used by the gentlemen in Mr. Royle's room?—No. I only go in there casually. I have no business in that room.

THOMAS HUTCHINSON HAMER sworn and examined.

600. *The Commissioner.*] You are Private Secretary to the Premier?—Yes.

601. Will you be kind enough to give me in your own way an account of anything you know in connection with the receipt, despatch, and custody of those letters from Colonel Fox to the Premier, dated 16th March last?—The mail was delivered to us at Helensville on our arrival from the northern portion of the island. I took delivery of it myself. We arrived at Helensville at about 2 o'clock on Saturday. I got the packet of letters between 7.30 and 8 p.m.

601A. What did you do with the letters?—I kept them, unopened, until the evening.

602. Then, did you open the letters yourself?—I cut the envelopes and handed them on to the Premier to take out and read the letters. He read them one by one, and gave directions as to the mode of dealing with them. They were then handed to Mr. Andrews, who placed them in his portfolio, and locked them up to be dealt with in Auckland. I came on to Auckland on the following Monday. The rest of the party went on to Kaukapakapa and Warkworth.

603. You travelled to Auckland by train, I suppose?—Yes.

604. When did the rest of the party reach Auckland?—On Tuesday evening.

605. Whom did the party consist of?—The Premier, Mr. Andrews, and Mr. Gray. I took charge of Mr Andrews' portfolio, and brought it on to Auckland on the Monday with the rest of the luggage. The portfolio was locked up either in a tin box or a despatch-bag.

606. Then it was carefully secured?—Yes, doubly secured, I might say. After that, I know nothing but hearsay. I know that Mr. Andrews was busy on Wednesday getting the letters off to their destinations, and dealing with them as directed. I was busy with deputations all day myself. I did not even know the contents of the letter in question, beyond a remark Mr. Seddon made when looking at it.

607. Did you read the letter, or any of the letters?—No, none of the letters in question.

608. Have you ever seen any drafts or copies of those letters other than appeared in the *Evening Post*?—No. On the day after the Premier arrived in Auckland—viz., Wednesday, 28th March—I saw a telegram from the Wellington correspondent, in the *New Zealand Herald*, dated the previous day, and hearing the Premier dictating a telegram to Mr. Andrews, which he directed should be put in cypher, I remarked—“ Oh, that is public property now,” and I thereupon showed him the paragraph. He, however, still said the cypher was to be used.

609. Who was the telegram to?—I think it was to Sir Patrick Buckley, but I would not be quite sure.

610. Do you know the nature of the cypher message?—No; I cannot say that I do remember it, except that it was on that subject.

611. After the Wednesday, 28th March, did you go through the Uriwera Country with the Premier?—Yes.

612. When did you start?—On the evening of the following day, Thursday. I did not go the whole way with them, I left them at Ruatoke.

613. Whom did their party consist of?—The Premier, Mr. Carroll, Mr. Mueller, Mr. Andrews, and Mr. Herbert Jones. Although Mr. Jones was not really one of the party, he accompanied the party through.

614. Where did Mr. Carroll join you?—He came to Auckland with me from Helensville.

615. Was his private secretary with him?—No; I did anything he wanted done.

616. Was Mr. Carroll staying at the same hotel in Auckland with you?—No; he stayed at the Central, I stayed at the Star.

617. Were you approached by any representatives of the Press in Auckland on the subject of the resignation?—No.

618. Were there any Press representatives about the hotel?—Not before the Premier returned; then they came to me in the street and asked me if there was any news. I said there was nothing. They did not mention the Fox business at all.

619. What Press gentlemen visited the hotel?—Mr. Main was the only one who came to the hotel. The only question Mr. Main asked me was whether the Premier was going to make a speech in Auckland.

620. To whom did you deliver the despatch-box in Auckland?—To Mr. Andrews.

621. Did you deliver it unopened, just as you had packed it up?—Yes; I had no key for the box.

622. When you parted from the Premier at Ruatoke, where did you go?—Back to Whakatane, and then off to Whale Island, where a passing steamer picked me up and took me on to Gisborne.

623. From Gisborne, where did you go?—I remained there until the Premier and party arrived. I arrived on Sunday, 8th April, and they arrived on Wednesday, 11th April, about midnight.

624. How long did it take you to reach Whakatane from Ruatoke?—I started on Monday morning, 2nd April, but on reaching the Whakatane River I found I could not cross. I then went back about four miles, had some lunch with Mr. Grant, started again at 3 p.m., got over the river, and reached Whakatane at 5 p.m. the same day. I stayed there until the 5th April.

625. Did you take any mail with you—any letters or telegrams?—No. The Premier sent a packet of telegrams at about midday on Tuesday by a constable from Ruatoke.

626. When did the telegrams reach Whakatane?—At about 1 o'clock p.m. on Tuesday.

627. To whom were they given?—They were given to me. The envelope was addressed to me, and by me they were handed to the telephonist.

628. Were they all official?—They were all Ministerial memorandums, or purely official telegrams.

629. Were any of them private telegrams in the sense that they had to be paid for?—No; none at all.

630. What was the name of the constable who brought the telegrams to you at Whakatane?—Constable Sisone.

631. Is there anything else you can tell the Commission that might throw some light on the matter?—No, nothing.

JAMES FRANK ANDREWS sworn and examined.

632. *The Commissioner.*] What is your official designation?—Shorthand Writer to the Premier.

633. Will you tell me, as briefly as possible, all the circumstances you can remember in connection with the receipt, despatch, or custody of Colonel Fox's letter by the Premier?—I did not receive the letter myself. On Sunday, the 25th March, the Premier sent for me to deal with his correspondence. He opened the letter in question, amongst others, and handed it to me. He instructed me to send it to Sir Patrick Buckley confidentially. This direction I wrote in shorthand on the back of the letter. Being Sunday, I could not post it, and so locked it up in my despatch-box with other correspondence, and left the box with Mr. Hamer to take on to Auckland to meet me there. I was proceeding overland that afternoon with the Premier to Warkworth, intending to leave thence for Auckland. We arrived in Auckland at 9 o'clock on the evening of the 27th. I found my despatch-box in my room.

634. How did it get there?—It was brought up by the Government messenger, presumably, with the rest of the luggage.

635. Was it not with Mr. Hamer?—Yes, but the messenger brought it up, I suppose, with all the luggage in Mr. Hamer's charge.

636. Mr. Hamer arrived in Auckland before you?—Yes; and I found the box in my room just as I had given it to Mr. Hamer. On the morning of the 28th, while the Premier was engaged receiving deputations, I thought it a good opportunity to deal with the correspondence. I accordingly opened the box and took out this despatch in particular, as I knew it was confidential. I put it in an envelope and addressed it to Sir Patrick Buckley, marked "Confidential," outside the envelope, and I am almost certain I posted it myself; but it is just possible the Government messenger may have posted it with other letters left by the Premier outside his room.

637. Who is the Government messenger?—Charles Robinson. That is all I know in connection with the matter, and that is the last I saw of the letter until my arrival in Wellington.

638. Did you post the letter on the 28th?—Yes.

639. About what time, as nearly as you recollect?—I can hardly remember the exact time, as we were very busy. It was to catch the mail going out that afternoon. There were two mails going that day. I should say it would be posted about 11 or 12 o'clock, as near as possible. But, of course, I am not certain.

640. At what time did you get rid of it?—About 12 o'clock; at any rate, I got rid of it in time to catch the afternoon mail.

641. Was that mail the overland mail *via* New Plymouth, or was it by one of the East Coast steamers?—I think it was *via* West Coast, because I had to send my impress by that mail to reach Wellington before the end of the month. However, I could not swear to it.

642. Did you read that letter?—No, I did not.

643. Did you read any of the letters?—No; I simply knew it was confidential. I really had not time to read the letters.

644. Did you open your despatch-box on the evening of the 27th?—No, I went down to the "Mararoa," and did not get home till 11 o'clock, and then I had no occasion to open it.

645. At what time in the morning of the 28th did you open the box?—Between 9 and 10 a.m., as near as possible.

646. To the best of your knowledge and belief, did that letter pass from your hands to anybody else's hands on the 28th?—Certainly not; nobody else touched it from the time I received it to the time I posted it.

647. You stated you either posted it yourself or gave it to a messenger to post?—Yes; but I am almost certain I posted it myself, as I did not wish a confidentially marked letter to go out of my possession. If I am busy with the Premier I let the messenger post all letters.

648. Did you know the contents of the letter?—Not at the time of posting it.

649. Did you get any instructions to allow anybody to give the contents of it to anybody else?—No, certainly not.

650. Did you allow anybody to see it?—No.

651. Have you ever seen any copy of the letter?—No.

652. What was the first you heard of Colonel Fox's proposed resignation?—I think the first I saw was in the Auckland *Herald*—a telegram; but I did not take the slightest interest in the matter. Looking in the paper, I saw, amongst other things, that Colonel Fox had resigned.

653. Do you know anything else in connection with the matter that would tend to throw any light on the subject?—No, I do not, at the present moment.

654. Were you ever approached by any of the Press representatives on the subject of the letter?—No, they never came near me.

655. Did you wire to anybody in connection with this letter?—The Premier wired to Sir Patrick Buckley, and I took it down from his dictation. It was stated in the telegram that the letter was on its way down. The telegram was in cypher, of course.

656. What were the contents of that telegram?—It was simply a chatty telegram.

657. Can you give me the salient points of it?—I can only say that the cypher message referred to the letter, and that it did not give the contents, or any portion of the contents, of the letter.

658. Did the cypher telegram give Colonel Fox's reasons for tendering his resignation, and the accusations made by him against the Government?—No, certainly not.

JAMES GRAY sworn and examined.

659. *The Commissioner.*] What are you?—I am Shorthand Writer and Assistant Secretary to the Premier.

660. Will you tell me briefly what you know in connection with Colonel Fox's letters?—I do not know that I can tell you anything. I only arrived in Wellington last Monday or Tuesday. I was therefore not with the Premier before last week.

661. Were you not up in Auckland with the Premier?—I was up north of Auckland with the Premier, but was not connected with him as Private Secretary then.

662. In what capacity did you travel?—I was merely representing the Auckland *Star*. I was totally ignorant of anything connected with the affair until it came out in the *Evening Post*.

663. Do you remember arriving at Helensville with the Premier's party?—Yes; I do not remember the exact date, except that it was on a Saturday.

664. Do you remember the mail being brought in to the Premier at Helensville?—No; but I remember seeing it in one of the hotel rooms there.

665. Did you hear that Colonel Fox had resigned?—No.

666. Was there any talk about his resignation at that time?—There may have been, but I did not hear it.

667. Did you travel to Warkworth with the Premier's party, and go on to Auckland with them?—Yes.

668. Did you hear anything about the resignation during that time, or after your arrival in Auckland?—No; of course I severed my connection with the party on arrival in Auckland, as I had reached my destination.

669. Were you assisting Mr. Andrews in Auckland?—No.

670. Did you go with the Premier's party to Ruatoke?—No; I did not go with them on the Uriwera trip.

671. What was the first you knew of anything in connection with the proposed resignation of Colonel Fox?—That was in Auckland, when I received instructions from the editor of the *Star* to inquire from Mr. Seddon if there was anything in the rumour which had come from Wellington.

672. Did you interview any one?—No; another reporter took the matter up.

673. Who was the other reporter?—I am not quite certain, but I think it was Mr. James Cowen. I know a *Herald* reporter saw the Premier as well, because he told me he was going in to see him about the rumour of Colonel Fox's resignation.

674. Have you ever seen the letter?—Yes, but only this week.

675. Did you ever see the letter, or a copy of it, or a rough draft, prior to the 4th of April?—No.

676. Did you know any of its contents?—No.

677. When did you take over your present official duties?—Last Wednesday; the date was, I think, the 2nd May.

678. Where were you prior to that?—In Auckland.

679. Are you aware of anything that might tend to enlighten the Commission on the subject-matter of this inquiry at all?—No. I may say, with regard to the arrival of the letters at Helensville, I was writing up an account from my notes of the journey up north, when the Premier and his Secretary came into the room, and, as soon as they began to open the letters, I discontinued my work and went outside to have a look round the place. I know they had a great accumulation of letters, and the correspondence from Colonel Fox may have been amongst it, but I was not aware of it.

ROBERT LECKIE sworn and examined.

680. *The Commissioner.*] What are you?—Private Secretary to the Minister of Lands.

681. I have a great deal of sworn evidence before me that this book [produced] is a record of all letters leaving the Government Buildings for delivery in town by messengers. It shows that on the 4th April, 1894, a letter was sent to the *Evening Post*. It was taken out of the building by Mason, the messenger, at 10.10 a.m., and delivered. Have you any recollection of a letter addressed "*Evening Post*" passing through your hands on or about that date, or coming under your observation?—I do not think I have sent a letter to the *Evening Post* for a considerable time, neither officially nor privately. I was in Wellington at the time. I arrived here the 1st April and left again on the 20th April.

682. Do you recollect having sent any letter from the Minister of Lands to Sir Patrick Buckley about that date?—I could not swear as to that. Of course, I frequently send letters to the Colonial Secretary and Sir Patrick Buckley, but I keep no record of them.

683. Do you recollect one?—No. I may have sent letters to Sir Patrick Buckley on that date, but I could not remember.

684. Have you any recollection of sending a letter to Mr Cadman about that date?—No, I cannot remember having done so on that particular date.

685. Do you remember any letter being received in your office from Sir Patrick Buckley on that date?—Not any particular letter.

686. I mean a letter in a large envelope, marked "Confidential"?—No.

687. Did you ever see the original letters from Colonel Fox to the Premier?—No.

688. Did you ever see what purports to be a copy of them?—No; I did not see anything of them.

689. What was the first you knew of Colonel Fox's resignation?—The publication in the *Post* was the first I saw of it.

690. What was the first you knew or saw of his alleged reasons for resigning?—That was in the *Post* too, I think.

691. Apart from the publication in the *Post*, did you know anything on the subject of the reasons?—No.

692. If such a document passed through your hands to the Minister, is it likely you would see it?—Yes; I would probably see it.

693. Have you ever been approached by any newspaper representative with regard to this correspondence?—No.

694. Or had you any communication or conversation with a newspaper man in regard to the correspondence?—No; I do not think so.

695. Not prior to the 4th April?—No. I absolutely did not know there was such a document in existence until I saw it in the *Post*.

ROBERT HENRY GOVETT sworn and examined.

696. *The Commissioner.*] This book [produced] is kept in the messengers' room. It is a record of all letters sent out into the town for delivery by Government messengers. I have sworn evidence to show that on the 4th April, 1894, a letter was sent to the *Evening Post*, as entered in this book, delivered by Messenger Mason at 10.10 a.m. Have you any recollection of such a letter having passed under your notice or being in your custody?—Certainly not. I do not recollect anything about it.

697. Have you been authorised by any Cabinet Minister, or by Sir Patrick Buckley, who is your own particular chief, to give any information in connection with the Fox correspondence to any one?—No.

698. Did you ever see the original letters or any copy of them?—No.

699. Have you been approached by any Press representatives, in order to get this information, prior to the 4th April?—No; by no one.

FRANK HYDE, Private Secretary Hon Colonial Treasurer, sworn.

On Wednesday, the 4th April, 1894, between 10 and 11 a.m., Mr. Ward called me in, and handed me a letter from Colonel Fox to the Hon. Mr. Seddon, and instructed me to enclose it in an envelope and send it along to Sir Patrick Buckley at once. I went to my desk and, after finishing a short urgent telegram which I had been writing, a matter of only a few minutes, I gave the letter to Redmond, the Hon. Mr. Ward's messenger, telling him that it was important that he should give it into Sir Patrick Buckley's own hands, if he could; he left, and returned within two or three minutes, and informed me that he had done so. In the evening, Mr. Ward rang me up on the telephone at my house, and asked me if I had seen the *Evening Post* of that evening, and if I had noticed that what purported to be a summary of the letter he had handed me in the morning had been published? I said Yes; and he asked me what I did with the letter. I replied that I had sent it along to Sir Patrick Buckley immediately after he had given it to me, and that no one could have possibly seen it in the meantime. I did not take a draft or copy of it, nor was I authorised to do so.

HUGH POLLEN, Under-Secretary, Colonial Secretary's Department, sworn and examined.

700. *The Commissioner.*]—Will you kindly tell the Commission if you know anything in connection with the letter from Colonel Fox to the Premier, or about its various wanderings?—I cannot tell you a word about it, unfortunately. I did not know, except from the newspapers, that there was such a letter in existence. I did not know it was going to be published, and, in fact, I did not hear a word about it until it was published.

701. What was the first you knew of Colonel Fox's resignation?—The report from Auckland, in the papers, that he had resigned or intended to resign.

702. What was the next you heard of it?—Only what appeared in the papers. I knew nothing about it officially or privately. I took no interest in the matter, not being a Defence man.

703. Do you remember the date of Sir Patrick Buckley's return to Wellington?—Early in April. I can easily find out the date by referring to the books.

704. Do you remember the publication of that paragraph in the *Post*, purporting to give reasons for Colonel Fox's resignation, and making certain statements in regard to the Premier's action, and his treatment at the hands of the Premier?—Yes, I remember seeing it in the paper.

705. Do you remember, about the morning of that date, if Sir Patrick Buckley returned from Napier to his office?—I really could not remember that. I would have to look up my diary.

706. What is the number of his room?—No. 19.

706A. And who occupies No. 20?—Mr. Govett.

707. Is Sir Patrick's room between yours and Mr. Govett's?—Yes.

708. Is the door locked, or merely closed, when he is absent from Wellington. I mean his own door leading direct to the passage?—Not as a rule.

709. What are done with the letters that are addressed to him?—His messenger takes care of them. He generally leaves some directions about them: as to whether they are to be sent on, and so on.

710. Are official letters ever left on his table unopened?—Yes; for an hour or two perhaps, until they could be sent away or dealt with in some way.

711. Do you usually open official letters addressed to the Colonial Secretary?—If I have reason to think they are official, as distinguished from memoranda between Ministers. I can generally distinguish by the handwriting, or the frank.

712. If a letter was marked "Confidential," and addressed to the Colonial Secretary, what would you do?—It would be laid aside until he came back.

713. Would you open it?—No, not unless I had reason to think it was something which I, as Under-Secretary, should see.

714. You mean as Under-Secretary of the Colonial Secretary's Department?—Yes.

715. If you saw that it was franked by a Minister's Private Secretary?—I would not open it unless I had some instructions about it.

716. Do you remember the receipt of a letter addressed to Sir Patrick Buckley, and franked by Mr. Andrews, about that date?—No, I cannot remember a single letter about that date franked by Mr. Andrews.

717. Were you approached by any representatives of Wellington newspapers relative to the arrival or receipt of Colonel Fox's letters from Auckland?—No; they would not think of coming to me.

718. Who would they be likely to go to?—The Defence Office, in the first place, I should say.

719. If the letter was addressed to Sir Patrick Buckley by the Premier, from Auckland, marked "Confidential," and franked by Mr. Andrews, and the newspaper men knew they were addressed to Sir Patrick Buckley, do you think they would come to you for information?—It is difficult to say.

720. Did they go to you for information?—No; I have not the faintest recollection of being asked by any reporters as to whether there was any news about that.

721. Did you know such letters had arrived?—No.

722. Did you ever see a copy, or a draft, or the originals of such letters?—No.

723. Did you ever authorise any of your officers to give any such letters to any one if they did arrive?—No.

724. Did you know anything at all about them?—Nothing whatever. I did not see the letter until I saw it in the *Evening Post*.

HUGH POLLEN, Under-Secretary, Colonial Secretary's Department, sworn and re-examined.

I remember getting from the Hon. the Premier, on his return from his Uriwera trip, to Wellington, an envelope addressed to Sir Patrick Buckley to be delivered to him personally. It was so stated on the outside of the envelope. This envelope I delivered to Sir Patrick Buckley personally, intact as I got it, on his return from Rotorua. During the time it was in my possession the envelope was carefully locked up. I do not know what it contained.

ROBERT FRANCIS LYNCH sworn and examined.

725. *The Commissioner.*] What are you?—Clerk in the Colonial Secretary's office.

726. This book [produced], I have evidence to show, is a record of letters delivered in town by Government messengers. It shows that on the 4th April, 1894, a letter was taken to the *Evening Post* by Messenger Mason at 10.10 a.m. Have you any recollection of any letter addressed "*Evening Post*" passing through your hands or under your observation on that date?—No. I may say, by way of additional information on that point, that is usual for all the letters to be posted by one officer, so that it is quite possible for fifty letters to go out in a day without my seeing one of them. Out of the fifty, I might write twenty-five or thirty; but I would not know when they were posted. The officer who writes the letters has not time to despatch them.

727. Do you remember writing or despatching a letter to the *Evening Post* on that date?—No.

728. Have you any recollection of having seen a letter pass into the office, or through the office, addressed to Sir Patrick Buckley, and franked by Mr. Andrews, about that period or a little before?—I can certainly say I have not seen any such letter.

729. What was the first you heard of Colonel Fox's resignation?—The first was the newspaper report.

730. Did you ever see the original, or a copy, of the letters sent by Colonel Fox to the Premier, and returned by him to Sir Patrick Buckley?—No.

731. Have you, at any time about that period, been approached by any newspaper representative relative to information about Colonel Fox's resignation, or in regard to the receipt in Wellington of any letters?—No.

732. Did you ever give information to newspaper men in regard to this correspondence?—No.

733. Were you aware that such letters had been received in your office; that is, the Colonial Secretary's office?—No.

LAMBERT WILLIAM LOVEDAY sworn and examined.

734. *The Commissioner.*] What are you?—Clerk of Records in the Colonial Secretary's office.

735. I have sworn evidence that on the 4th April, 1894, at 10.10 a.m., Messenger Mason delivered a letter addressed "*Evening Post.*" That was the date of the publication by the *Post* of a letter purporting to be the reasons of Colonel Fox's resignation. Have you any recollection of a letter addressed "*Evening Post*" having passed through your hands or under your observation about that period?—No.

736. Have you any recollection of a letter marked "Confidential," addressed to Sir Patrick Buckley, and franked by Mr. Andrews, being received in the office?—Not by me.

737. Were you aware such a letter had been received in the office?—All letters addressed to the Colonial Secretary are delivered to me. Any addressed "O.P.S.O." I open myself, record them, and attach to papers; but any letters marked "Confidential" I certainly would not open.

738. I wanted to know if you had any recollection of an envelope addressed to Sir Patrick Buckley, franked by Mr. Andrews, passing through your hands or being in your office, or Sir Patrick's office, or Mr. Pollen's office, or any other office about that date?—No. Letters addressed "Sir Patrick Buckley" do not come into our room—only those addressed "Colonial Secretary."

739. Have you been approached by any newspaper representative in connection with Colonel Fox's correspondence?—No.

740. Did you ever see any letter or letters, or any copy of a letter or letters, from Colonel Fox to the Premier in regard to his resignation and his reasons for resigning?—No, never.

741. Were you aware that any letters from the Premier regarding Colonel Fox's resignation had been received in the office about the 4th April?—No.

742. What was the first you heard of Colonel Fox's proposed resignation?—I saw it in the paper in question now; that is the first I knew of it.

743. What was the first you knew of his alleged reasons for resigning?—What I saw in the paper.

744. Had you any conversation at any time with any newspaper man on this subject?—No.

745. And you can give me no information on the matter?—No.

MICHAEL JOSEPH HODGINS sworn and examined.

746. *The Commissioner.*] The evidence before me is that this book [produced] is a record of all letters leaving the Buildings for delivery in town by Government messengers. The book shows that on the 4th of April, 1894, a letter was sent to the *Evening Post*; it was delivered by Messenger Mason, who left the Buildings with it at 10.10 a.m. Can you recollect if, on or about that date, any letter addressed "*Evening Post*" passed into your hands or under your observation?—None whatever.

747. Did any Press representative speak to you, on or about that date, about the receipt of Colonel Fox's letters to the Premier?—I can safely say no reporter ever spoke to me about it.

748. Were you aware that a letter had been received from the Premier by the Colonial Secretary, marked "Confidential," and franked by Mr. Andrews?—I never saw such a letter, and I never heard of it being received in Wellington.

749. Had you any inkling or idea that it was?—Not beyond what the *Evening Post* stated, a little before the receipt of the letter, that they were going to make some revelation. I believe that was stated in one of the issues of the *Post*.

750. Did you ever see the original letters?—Never.

751. Or a copy of them?—No.

752. Did you on the 4th, or immediately prior to the 4th April, speak to any reporter of any newspaper on the subject?—None. I can swear that distinctly.

753. I gather from your evidence that you know nothing about it, except from what you saw in the papers. On or about the 4th of April, do you remember having received a letter from Sir Patrick Buckley for delivery to the Hon. Mr. Ward?—No; positively not.

754. Or for Mr. McKenzie or Mr. Cadman?—No.

755. Did you see any reporters about the office that morning?—I would not like to say. In fact, I could not say.

HENRY MASON sworn and examined.

756. *The Commissioner.*] What are you?—A Government messenger.

757. What is this book?—That is our book, in which are entered the letters we take out as messengers.

758. Do you notice amongst the entries under date 4th April, a letter to the *Evening Post*, and one to W. H. Attack?—Yes.

759. What does an examination of those entries show?—It shows that I took those letters out at 10.10 a.m. on 4th April, and delivered them.

760. And did you deliver them?—I did.

761. Do you recollect delivering the letter to the *Evening Post*?—Not specially.

762. How do you usually deliver a letter to the *Evening Post*?—I always give it to the one at the counter in the office, if he is there. If he is away I give it to one of the others.

763. What is the name of the man at the counter?—I could not say.

764. Did you deliver this letter to Mr. Gillon, or to Mr. Blundell?—No; it was to one of the others.

765. Do you remember delivering Mr. Attack's letter?—Yes. I took it in to Mr. Humphries in the office, and said, "Mr. Attack," and I left it on the table.

766. Was Mr. Attack there?—I do not know Mr. Attack.

767. Do you know who was the person in the office with Mr. Humphries when you delivered the letter?—No.

768. Are you quite sure you delivered the letter to the *Evening Post*?—I do not remember that letter particularly.

769. Do you frequently deliver letters to the *Evening Post*?—Yes.

770. Where did you get the letter addressed to Mr. Attack?—From the messengers' room.

771. Where did you get the letter for the *Evening Post*?—In the same place—they were together.

772. Who gave them to you?—Mr. West, no doubt. He always enters them, and gives them to us. Of course, it might have been Mr. Huett. I cannot tell for certain now.

773. Did you recognise the writing on the letter for the *Evening Post*, or for Mr. Attack?—No; I cannot call it to mind. There were thirteen letters given to me.

774. Where were you on duty for the week from the 2nd April to 6th April?—I was outside the whole week.

ROBERT ROE KIRKER sworn and examined.

775. *The Commissioner.*] What are you?—Clerk in the *Evening Post* office.

776. I want you to look at this book [produced]. It is kept in the messengers' room, and is a record of all letters sent out into the town for delivery by Government messengers. I have conclusive evidence to show that on the morning of the 4th April, 1894, at 10.10 a.m., a letter was sent to the *Evening Post*. It was taken out of the Buildings at 10.10 a.m. by Messenger Mason, who swears he delivered it in the front office, and he thinks—though he is not quite positive—that he gave it to you. Have you any recollection of having received such a letter?—No.

777. If you had received such a letter, what would you do with it?—That depends on how it was addressed.

778. It was addressed "*Evening Post*."—It would be opened and the contents noted. It would then be forwarded on to the proper department or person to deal with it.

779. The letters which form the subject-matter of this inquiry were contained in an envelope, which was not opened, I may tell you, by the person to whom it was addressed, until after 10.10 a.m. on 4th April—the hour set down in this book. Still there is an impression abroad amongst a certain class of people that the letter may have been opened surreptitiously and wrongfully, before it was opened by the person to whom it was addressed. I do not presume for one moment to say that there is any truth in that. I express no opinion on the point at all, except so far as to say that I consider Mr. Gillon's letter to me is evidence to the contrary. Still it is necessary for me to ask you if you remember opening a letter about that date containing the Fox correspondence, or anything purporting to be a copy or draft of the same?—No.

780. You are prepared to state that you did not open any letter containing information about the Fox correspondence?—Yes.

781. I would explain to you, as I have explained to Mr. Georgeson, that the probability is the letter was a perfectly innocent and proper communication. I have gone through the file of the *Post* for the 3rd and 4th April very carefully, and I find that the envelope in question might have contained an advertisement on almost any subject. For instance, of a birth or marriage, house to let, servant wanted, or a thousand other things. The fact that it was despatched from the Buildings

before the Fox correspondence was opened tends to show that it must have been an advertisement or something of that sort. It is, however, necessary for me to prove, not what the letter contained, but what it did not contain, if possible. You might have a careful look through the file of the *Post* of 4th April, and see if there is anything there you did get, which might have been contained in that letter. There are paragraphs here about railway revenue, Labour Bills, Ministers' movements, and dozens of advertisements. My object, you understand, is to prove a negative, and to confirm Mr. Gillon's statement to me, that the information was obtained in an honourable way. It might be in the *Post's* own interest to let me know?—It is so far back, Mr. Smith.

[This is Messenger Mason, who delivered the letter on the 4th April.]

HENRY MASON re-examined.

782. *The Commissioner.*] Do you recognise this gentleman?—Yes.

783. Who do you recognise him as?—Mr. Kirker.

784. Do you believe him to be the gentleman to whom you gave the letter?—I cannot say, but I always give letters either to Mr. Kirker or to Mr. Georgeson.

785. Will you swear you did not give it to Mr. Bannister?—I never gave one to Mr. Bannister in my life.

786. Did you give it to Mr. Stubbs?—I do not know him by name.

787. Will you swear you did not give it to Mr. Beaglehole?—I do not know Mr. Beaglehole. Generally, those two I have mentioned are there, and I give letters to them nine times out of ten. I never give it to the boys, even if they are there. I make it a point of waiting in the office until I see Mr. Kirker or Mr. Georgeson.

WILLIAM CAMPBELL, Chief Detective, sworn.

I received instructions from Inspector Pender to see Sir Patrick Buckley relative to the Fox correspondence. I saw him accordingly, and he asked me to endeavour to discover who supplied the Fox correspondence to the *Evening Post*. I did not receive instructions from any one else to make inquiries. I made some inquiries; but it was a difficult matter for a man in my position to deal with. I subsequently saw Sir Patrick Buckley, and told him all I knew about the matter. I told him that I had a private conversation with Mr. G. Humphries, of the Press Association, on the subject, in the presence of a Mr. Murdoch, of Pahautanui, sawmiller. It was a general conversation, and Mr. Humphries said that he knew the man who had given the information, and that he saw the same man that day speaking to Mr. Gillon, *i.e.*, on the day on which the information appeared in the *Post*, but that he would not mention his name, because the man's billet would not be worth anything to him. I understood, at the time, that this was a confidential conversation which I had with Sir Patrick Buckley. I was not instructed by Sir Patrick Buckley to place myself in communication with Mr. O'Hara-Smith. I had and have no idea to whom Mr. Humphries alluded. This conversation took place shortly after the Fox correspondence appeared in the *Post*.

PETER GEORGESON sworn and examined.

788. *The Commissioner.*] This book [produced] which you see before you is kept in the messengers' room, and is a record of all letters that have been sent down town for delivery by Government messengers. I have voluminous evidence on this point, and it is established beyond a doubt that on the 4th April, 1894, two letters left the Government Buildings for delivery in town, at 10.10 a.m. One of them, you will observe, is addressed to the *Evening Post*, and another to Mr. Atack, manager of the Press Association. Messenger Mason left the Government Buildings with them at 10.10 a.m., and duly delivered them. I have ascertained what Mr. Atack's letter was about: It was connected with some grain statistics for the Canterbury District. In regard to the letter addressed to the *Evening Post*, the messenger says he either delivered it to you or to another gentleman, whom I believe to be Mr. Kirker. Now, I do not want to pry into the business of the *Evening Post* any more than is absolutely and positively necessary. I will not even ask you to say what the letter did contain, if you feel disinclined to give that information. I want to know, can you remember receiving such a letter?—No.

789. Mason says he would usually deliver such a letter to you; but he thinks that in this instance he delivered it to Mr. Kirker. He is not, however, sure. You do not remember the letter?—No.

790. Do you think you could find out, from your records in the *Evening Post* office, anything about that letter?—We keep no records of the letters received.

791. Do you think if you searched through the *Evening Post* of the 4th April you would be able to recollect or find out anything about that particular letter?—No.

792. I wish to explain this to you: I have a letter from Mr. Gillon, in which he states, or leads me to believe, that the information which forms the subject-matter of this inquiry was obtained in a straightforward and honourable way. I have no reason to doubt Mr. Gillon's statement, still, it would be idle for me to pretend not to be aware that there is a suspicion abroad that the information was stolen, or that the *Post* did not get it honourably. I do not say that that is true; I express no opinion on the point. Here we have a fact that I am very anxious to elucidate. We have the fact that a letter was sent to the *Evening Post* on the morning of the date of the publication, at 10.10 a.m., before Sir Patrick Buckley opened the letter; and, so long as the contents of that letter remain unknown, it is open for evil-minded people to insinuate that there may have been truth in the idea that it was stolen—that the letter was opened by somebody else prior to Sir Patrick Buckley's getting it, and that the information was contained in the very letter which left the Government Buildings at 10.10 a.m. I merely lay the facts before you. I can express no opinion one way or the other. I have carefully searched the *Evening Post* of the 3rd and 4th April, and that letter may—nay, almost for certain, did contain information of a perfectly innocent nature. It might have been an advertisement about goods lost or found, a house to let, lodgings

wanted, cricket fixtures, boating-club arrangements. It might have been information from some department of a perfectly legitimate nature. The strong probability is that it is so; but, so long as we are not absolutely certain, there will always be the supposition in the minds of some people that it might have contained the information in question. I think, therefore, with all due deference to the *Evening Post*, that it would be advisable for them to assist the Commission to prove that the envelope did contain perfectly innocent matter?—We have no means of finding out, as we keep no records of letters received; and we could not tell from our files whether there was any cricket or boating news, or any advertisements came down that day.

793. I do not ask you to tell me what it did contain. I do not wish to pry into your business even to that extent; but I would like to ascertain beyond a doubt who opened the letter, and get that person's assurance that it did not contain any information in regard to the Fox correspondence. I should be satisfied with that?—I could not get that information for you. I do not remember the letter at all.

794. How many of you are there in the front office?—Mr. Kirker, Mr. Stubbs, Mr. Beaglehole, and myself, and the two office-lads. Mr. Bannister is also in the office sometimes, but he is our outside man.

795. Who would be likely to get a letter like that?—It would come to whoever chanced to be behind the counter. As a rule, I am most behind the counter, as I am a sort of counter-clerk there, and cashier, and so on.

796. To the best of your knowledge and belief, did you receive a letter, on or about that date, in which the Fox correspondence was enclosed?—No.

797. When I say the Fox correspondence, I wish you to understand that to mean the Fox correspondence or anything purporting to be a copy or proof of the same?—No; I did not receive one.

798. Do I understand you to say such a letter, simply addressed "*Evening Post*," as this letter appears to have been, might be opened by any of the gentlemen mentioned by you, viz.: by yourself, or Mr. Kirker, or Mr. Stubbs, or Mr. Beaglehole, or Mr. Bannister?—Yes; if delivered in the front office. I might say Mr. Bannister is not always in the office; but if he was there he would open it.

799. What would the gentleman who opened it do with it?—Read its contents and draft it off to its proper quarter.

DAVID ERNEST BEAGLEHOLE sworn and examined.

800. *The Commissioner.*] What are you?—Clerk, *Evening Post* office.

801. [To Mr. Henry Mason]. Do you recognise this gentleman?—Yes, I recognise him, but I do not see so much of him as I do of the others.

802. Are you quite sure this is not the gentleman to whom you gave the letter?—I feel confident in my own mind that that is not the gentleman.

803. [To Mr. Beaglehole.] This book [produced] is a record kept in the messengers' room of all letters that go out for delivery by Government messengers. The book shows that on the 4th April, 1894, a letter was addressed to the "*Evening Post*," and delivered by Messenger Mason, who left the Government Buildings with it at 10.10 a.m. Mason swears he duly delivered it to someone in the front office. Do you recollect receiving any such letter from Mason?—No.

804. If such a letter, addressed "*Evening Post*" came into your possession, what would you do with it?—If it was simply addressed "*Evening Post*," I would take it to Mr. Blundell in his office.

805. You would not have opened it first, and then taken it to the department to which it belonged?—Not if it was simply addressed "*Evening Post*."

806. Which Mr. Blundell would you have taken it to?—I should then have taken it to Mr. Henry Blundell. It would now be Mr. Louis Blundell.

807. Would the office-boys be likely to open it if they had received it?—No not at all.

809. Did you ever see the Fox letters, which form the subject-matter of this inquiry, or any copy or draft of them?—No.

810. Are you in the habit of receiving letters as a rule?—No.

811. To whom are the letters usually delivered in the office?—To whoever is behind the counter. As a rule they are dropped on the counter, and the man behind the counter takes them up. They are sometimes delivered personally. Being in the accountant's branch my work seldom takes me behind the counter, unless the others happen to be away.

812. Then, the probability is that either Mr. Kirker, Mr. Georgeson, or Mr. Stubbs would get the letter?—Yes; and of the three, most likely Mr. Georgeson, then Mr. Kirker.

CHARLES STUBBS sworn and examined; and HENRY MASON, re-examined.

813. *The Commissioner.*] Will you tell me, Mr. Mason, if you recognise this gentleman?—Yes, I recognise him.

814. Who is he?—Mr. Stubbs.

815. Do you think you gave him the letter in question?—I am certain I did not.

816. Did you give it to any of the boys?—I do not think so, but I would not swear to it. When I take a letter to the *Evening Post* I always make a point of looking for Mr. Kirker, or the other gentleman.

817. Is it likely you would give it to one of the boys?—No, unless there was no one else there.

818. [To Mr. Stubbs.] This book [produced] is kept in the messengers' room, and in it are always entered letters sent out for delivery in town by Government messengers. I have sworn evidence to the effect that on 4th April, at 10.10 a.m., a letter was addressed to the *Evening Post*, and was delivered by Messenger Mason, who left the Buildings at 10.10 a.m. Do you remember if such a letter passed through your hands or under your observation?—I could not say.

819. Do you remember ever getting a letter from Messenger Mason?—I could not say for certain.

820. Do I understand you to say you cannot remember receiving a letter from him about that date?—I certainly cannot.

821. If such a letter as that came into your possession, what would you do with it?—If it was simply addressed "*Evening Post*" I would have opened it, and if it contained a private communication, I should have handed it to the proprietors; but if it was an advertisement, or a business matter, I would have attended to it.

822. That is, you would draft it off to the department to which it belonged?—Yes.

823. Did you get a letter about that period containing Colonel Fox's letters, or anything purporting to be a draft or copy of the same?—No, I never even heard of Colonel Fox's letters until I saw the publication in the *Post*.

824. Would it be usual or correct for one of the office-boys to open a letter like that?—No, they would not think of doing it.

825. If they got such a letter from a Government messenger, what would they do with it?—They would give it to one of the clerks in the office—very likely to Mr. Georgeson.

WILLIAM HUGHES FIELD sworn and examined.

826. *The Commissioner.*] What are you?—A barrister and solicitor—manager of the firm of Buckley, Stafford, and Treadwell.

827. Have you a key of the firm's post-office letter-box?—I have. I have had it for some years past.

828. Did you open the letter-box on Sunday, 1st April?—Yes, I distinctly remember doing so on Sunday, 1st April.

829. About what time did you open it?—At about half-past 10 in the morning. And again at about quarter-past 6 in the evening.

830. Did you notice any letter there addressed to Sir Patrick Buckley in a large official envelope, marked "Confidential," and franked by Mr. Andrews?—No, I cannot recollect that particular letter. The chances are there was one, but I could not swear to it. I do not remember a letter franked by Mr. Andrews. Nearly all the letters for Sir Patrick that come through are marked "Confidential" for transmission.

831. What did you do with the letters?—I left them in the box. I go to the box at all times, Sundays and holidays, and any other days, for the purpose of getting my own letters, and any of the firm's letters about matters which I happen to have in hand at the time. All Sir Patrick Buckley's letters I simply put back, and they are taken to the firm's office by the office-boy before 9 in the morning. Sir Patrick's are left on his table until his messenger calls for them at about 9.30.

832. Then, if there was a letter in the box for Sir Patrick Buckley you would not take it?—No, I would not take it from the post-office.

MARTIN MAXWELL FLEMING LUCKIE sworn and examined.

833. *The Commissioner.*] What are you?—At present a clerk in the office of Messrs. Buckley, Stafford, and Treadwell. I am a barrister and solicitor, though not yet admitted.

834. Have you a key of the private post-office box of the firm of Buckley, Stafford, and Treadwell?—I have not myself. I have had the use of one at times, but it was always for some special purpose. When I, under those circumstances, used the post-office box, it was only to obtain certain letters which I expected. On those occasions I did not take out any other letters than those I wanted.

835. Do you remember if you emptied the box on Sunday 1st, Monday 2nd, or Tuesday, 3rd of April?—I can swear I did not, because I have not had the use of the key of the post-office box for some very considerable period—certainly three or four months.

836. How many people in the employ of the firm have keys, and give me their names?—Mr. Sydney Stafford has a key, also Mr. Field. I am not sure whether Mr. Treadwell has one or not. I know there is another key in the office. It may be that the office-boy has a key, because it used to be the system in the office for the office-boy to empty the box; but, in the course of some conversation with Mr. Sydney Stafford, he informed me that he has systematically opened the letter-box and taken the letters during the last three or four months.

837. I have here a book [produced] being a record kept in the messengers' room for the purpose of showing what letters left the Government Buildings for delivery in town by Government messengers. Will you kindly look at this entry on 4th April, 1894. There was a letter on that date sent to you, addressed "Martin Luckie, Messrs. Buckley and Stafford." It was sent out of the Government Buildings at 2.5 in the afternoon, by Cashen, one of the messengers. Do you recollect having received such a letter? I remember receiving a letter somewhere about that date. To the best of my recollection it was a letter from the Native Land Court office, enclosing a receipt for the payment of a survey lien on some Native land that we were dealing with. It was sent me by Mr. Buckle, of the Native Land Court office. It was on office business, but sent to me personally in order that I might get it quickly, as I had been applying for it in the morning. To the best of my recollection that is the only letter I have received from the Buildings about that time. I can remember the messenger coming to me a little after 2 o'clock, just as I was leaving the office to get it. He handed it to me on the stairs.

838. You are convinced it was about that date? It was not so much the date that fixes it on my memory, as the fact of its coming from the Government Buildings.

HENRY PHELPS TUCKEY sworn and examined.

839. *The Commissioner.*] What are you? Law clerk at Messrs. Buckley, Stafford, and Treadwell's office.

840. Do you occasionally open the post-office box of the firm?—Yes.

841. Can you say if you opened it on Sunday, Monday, or Tuesday or Wednesday, the 1st, 2nd, 3rd, or 4th April?—I may have on the 2nd, 3rd, or 4th in the afternoon, but I could not say for certain.

842. Not in the morning?—No. It would be between, say 2 o'clock and 4.15.

843. Would you take out all the letters that were in the box at the time?—Yes.

844. What would you do with them?—I would take them to the various rooms; that is to say, if there was one for Mr. Field I would take it to his room, and if he was out I would leave it on his table.

845. If there were one or more addressed to Sir Patrick Buckley what would you do with them? I would leave them on his table.

846. Do you recollect on the 2nd, 3rd, or 4th April a large envelope addressed "Sir Patrick Buckley," marked "Confidential," and franked by Mr. Andrews, passing through your hands?—No, I do not remember it.

847. How are Sir Patrick Buckley's letters usually dealt with after they are left on his table?—His messenger comes down for them.

848. What is his messenger's name?—Sandbrook; although sometimes one or two other messengers have been.

849. What time does Sandbrook usually go down?—I suppose about half-past 9 or a quarter to 10 o'clock.

850. Do you frequently find letters in the box addressed to Sir Patrick Buckley by name?—Yes.

851. Do you know if it is customary for letters, addressed to Sir Patrick Buckley as such, to be placed in the box?—I do not know, but I think it must be.

SYDNEY STAFFORD sworn and examined.

852. *The Commissioner.*] What are you?—Law clerk.

853. Do you usually empty the post-office box of the firm of Messrs Buckley, Stafford, and Treadwell?—Yes.

854. Do you empty it on Sundays?—Not as a rule.

855. Do you remember if you emptied it on Sunday, 1st April?—I could not say for certain.

856. Can you say if you emptied it on Monday, 2nd April?—I could not say for certain. It is most likely I did, as I generally open it morning and afternoon.

857. Would letters, addressed "Sir Patrick Buckley," as a rule, be put into the firm's box?—I could not say that as a rule they are, but a large number do come through our box; of course, a good many more may go to him.

858. What do you do with any letters you find in the box addressed to Sir Patrick Buckley?—The general rule is for me to bring them over to the office and place them on the accountant's counter. The office-boy then sorts the letters; those for Sir Patrick Buckley are placed on his table, those for Mr. Treadwell in his room, those for Mr. Stafford in his room, and so on all round.

859. What is the office-boy's name?—Pedder.

860. Can you recollect a particular envelope going through your hands about that period, addressed to Sir Patrick Buckley, marked "Confidential," and franked by Mr. Andrews?—No, I cannot say I do.

861. How are Sir Patrick Buckley's letters dealt with after lying on his table?—Sandbrook, the messenger, takes them from the table for delivery.

862. To Sir Patrick Buckley, I suppose?—Yes.

863. Do I understand that is the usual course of procedure?—Yes, that is the rule.

ALFRED PEDDER sworn and examined.

864. *The Commissioner.*] What are you?—Office-boy in Messrs. Buckley, Stafford, and Treadwell's office.

865. Do you sort the letters that are brought into the firm from the post-office box in the morning?—Yes, usually. Mr. Sydney Stafford gets the letters about half-past 8, and I go to the box again at about ten minutes to 9 o'clock. There are not often any letters left then, because he takes them all.

866. Where does Mr. Sydney Stafford put them when he brings them from the post-office?—On the counter in the accountant's room. The letters are taken straight from there to the different rooms.

867. What do you usually do with the letters addressed to Sir Patrick Buckley?—I always put them in his room, on his table.

868. Can you recollect if, on the morning of Monday, 2nd April, a letter, in a large envelope, marked "Confidential," addressed to Sir Patrick Buckley, and franked by Mr. Andrews in the corner, passed through your hands?—No; but there are so many letters, and they are nearly all marked "Confidential." I take no notice of them. I just see they are for Sir Patrick Buckley, and put them on his table.

869. Then you cannot recollect this particular letter?—No.

870. How are the letters disposed of after they are placed on the table?—Mr. Sandbrook comes down for them at about half-past 9 o'clock.

871. Does Mr. Tuckey empty the box sometimes?—Yes, sometimes; when Mr. Treadwell wants letters. Mr. Tuckey has not a key. He always gets Mr. Treadwell's.

ALEXANDER HORSBURGH TURNBULL sworn and examined.

872. *The Commissioner.*] You are a merchant, are you not?—Yes.

873. Will you tell me if you ever saw the original letters from Colonel Fox to the Premier, or any copy or draft of them?—Never.

874. Was anything, purporting to be a copy or a draft of the original letter or letters, read out in your presence by Colonel Fox?—No. I do not know Colonel Fox personally. I may say I have not even seen what purported to be a copy in the *Evening Post*.

JESSE HUETT sworn and examined.

875. *The Commissioner.*] What are you?—Acting Chief Messenger and Housekeeper.

876. Do you recognise this book [produced]?—Yes; it is my own book.

877. What do you use it for?—For a record of all letters delivered in town by Government messengers.

878. Do you notice, under date 4th April, an entry "*Evening Post*"?—Yes.

879. What does an examination of that entry show? Does it show that on the morning of the 4th April, 1894, at 10.10 a.m., Mason took out several letters for delivery, and amongst them was one addressed to the *Evening Post*?—Yes.

880. Do you recollect if, on 4th April, any letter passed through your hands or under your observation addressed "*Evening Post*,"?—Not one. Not that one itself.

881. Is there no note in the margin to show where that letter came from?—No.

882. I presume you do not know where that letter came from?—No.

MATTHEW WEST sworn and examined.

883. *The Commissioner.*] What are you?—A Government messenger.

884. What is this book [produced]?—It is used for entering the letters received from offices to be delivered outside the Building, in town and suburbs.

885. Do you notice, under date 4th April, 1894, the entry "*Evening Post*"? Also, the entry, "W. H. Attack"?—Yes.

886. What would an examination of those entries purport to show you?—That on the 4th April, 1894, at 10.10 a.m., I gave out all the letters within that bracket, to be delivered.

887. Who did you give them to?—To Mason.

888. And among those letters was there one to the *Evening Post*, and one to Mr. Attack?—Yes.

889. Can you remember anything about those letters?—I remember the letter to Mr. Attack, through my attention being called to the name. It passed in my mind at the time that he was the man to attack. That is how I came to remember. It was in a note-size envelope.

890. Was it in an official envelope?—No, it had no official marks about it. It was private, unless it had a mark over the seal.

891. Was it a square envelope?—No.

892. Can you recollect anything about the one addressed to the *Evening Post*?—No, I cannot. I know there was one, only because it is entered.

893. In whose handwriting are these entries?—In my handwriting.

894. Can you recollect who brought you in Mr. Attack's letter?—No.

895. Can you recollect who brought you the *Evening Post* letter?—No.

896. Can you recollect the sort of envelope the *Evening Post* letter was in?—No; I have no distinct recollection of the *Evening Post* one at all. We have so many for that address that, no doubt, it misses one's notice.

897. What sort of writing was the envelope to Mr. Attack addressed in?—As far as my memory serves me, it was written with a soft pen, probably a quill.

898. If you saw similar writing would you recognise it?—I do believe I should know it again, that is the address that went out.

899. If you saw similar writing on another piece of paper would you recognise it?—Very likely I should. I do not remember the remainder of the address.

900. Do you recognise this document [produced] as the duty-plan for the week ending 6th April?—Yes.

901. Where were you during that week?—In the messengers' room, receiving and sending off correspondence that might come in for delivery.

902. I notice here in the margin you put down in some cases "Railways," "Police," "Patents," &c. What does that mean?—It shows they come from those departments. When there is nothing written there, it shows there was nothing on the envelope to show where the letter came from.

903. Where do you get the notes that appear in the margin?—From the foot-note at the bottom of the envelopes.

GEORGE ASPLIN sworn and examined.

904. *The Commissioner.*] Do you recognise this book [produced]?—Yes; it is the book that is kept down-stairs for letters sent out into the town from about here.

905. Look at the entries on the 4th April; look at the second entry on that date?—Yes, "*Evening Post*."

906. Do you know whose writing that is?—I think it is West's; but I cannot say for certain.

907. Do you notice a letter entered lower down addressed "Mr. Attack"?—Yes, I see there is one there.

908. Do you recognise this document [produced]?—Yes; it is the duty-plan for the week for messengers; that is, provided the messenger had no duty to do down-stairs; as mailman, for instance.

909. Were you on duty on the top floor that week?—Yes, I must have been.

910. From what date?—From 31st March to the following Saturday; but I might have been mailman part of the time; then somebody else would take my place.

911. Were you on duty on the top floor during that period?—Yes, Sir; decidedly.

912. That would be for the week ended 6th April?—Yes.

913. Just cast your memory back and see if you can remember having received a letter marked "*Evening Post*," or a letter for Mr. Atack, on the date of the record in the book?—I cannot: I should certainly have noticed the name "Atack," because it is an unusual name.

914. Can you recollect any others of the letters bracketed together and marked 10.10 a.m.?—No, I cannot.

JAMES MADIGAN sworn and examined.

915. *The Commissioner.*] What are you?—I am a Government messenger.

916. Look at this book [produced] and tell me what it is?—It is an entry of the letters that are taken through the city.

917. Read down the list of letters bracketed "4th April, 10.10 a.m.," who is the second letter addressed to?—" *Evening Post*."

918. Do you notice one further down the list addressed "W. H. Atack"?—Yes.

919. Look at this document [produced]?—Yes, this a list of messengers that are stationed in the different passages.

920. What is it headed?—"Duty for the week."

921. Where were you from this week, dated 31st March, to the following Saturday, dated 6th April?—This board is made out on Saturdays by Townsend, but the duty does not commence until the following Monday.

922. Where were you from Monday, 2nd April, till the following Saturday?—I was stationed on the top floor.

923. Were you on duty on the top floor on the 4th April?—I could not exactly tell, because there is a list for mailmen, and I might have been on duty as a mailman that day. When we are mailmen we are not responsible for the floor.

924. Have you any recollection of either the letter to the *Evening Post* or to Mr. Atack passing through your hands?—No, I do not recollect.

925. If Mr. Atack's letter passed through your hands, do you think you would remember it?—Certainly I would.

926. If the *Evening Post* letter passed through your hands, do you think you would remember it?—I would, Sir.

WILLIAM HUNTER sworn and examined.

927. *The Commissioner.*] Do you recognise this book [produced]?—Yes, it is the book in which letters are entered for going into town.

928. Do you notice the second entry on the 4th April?—Yes, "*Evening Post*."

929. Do you notice also one addressed "W. H. Atack" entered at the same time?—Yes.

930. What does an examination of those entries purport to show you?—It shows that Mason took the letters down at 10.10 a.m. for delivery.

931. Who entered these letters in the book?—It looks like West's writing.

932. Is this document [produced] the duty-plan for the week?—Yes.

933. For the week 31st March to 6th April?—Yes.

934. Where were you on duty that week?—On the second floor, south end.

935. Have you any recollection of either of the letters named passing through your hands?—No, Sir.

936. Do you think you would remember them if they had passed through your hands?—I might remember the name "Atack," because it is like a Maori name; but there are so many letters passing through our hands that it is impossible to remember them.

FREDERICK LOUIS MUELLER sworn and examined.

937. *The Commissioner.*] What is your occupation?—Government messenger.

938. What is this book [produced] used for?—It is used for entering letters going out of the Buildings.

939. Do you see the second entry under date 4th April?—Yes, "*Evening Post*."

940. Do you also notice an entry lower down, "W. H. Atack"?—Yes.

941. Does that book show that Mason took both those letters out at 10.10 a.m. on the 4th April for delivery?—Yes.

942. Do you recognise this document [produced] as the duty-plan for the week?—Yes.

943. For what week?—The week ending 6th April.

944. Where were you on duty that week?—I was on the first floor.

945. Have you any recollection of either a letter to the *Evening Post* or to Mr. Atack passing through your hands?—No, it is not long ago, and I do not remember seeing them.

946. If a letter to Mr. Atack did pass through your hands, do you think you would remember it?—Yes, I think I would.

947. If one addressed to the *Evening Post* passed through your hands, would you remember it?—Yes, I think so.

MATHEW CASHEN sworn and examined.

948. *The Commissioner.*] Will you look at this book and tell me what it is [book produced]? Is it the book used for recording letters that are sent out of the Buildings?—I have nothing to do with the book, and I would not swear that that is the book, but I believe it is.

949. Look at the second entry, under the date 4th April, 10.10 a.m. What is it?—" *Evening Post*."

950. Do you see one lower down addressed "W. H. Attack"?—Yes.

951. Does an examination of that book purport to show that Mason took out those letters for delivery at 10.10 a.m. on the 4th April?—Yes.

952. Do you recognise this document [produced] as the duty-plan for the week ending 6th April, 1894?—Yes.

953. Where were you on duty that week?—On the first floor.

954. Do you recollect either of those letters passing through your hands?—No.

955. If the letter to the *Evening Post* was given to you for delivery on that date, would you recollect it?—I might, if I could look up and see if I was on outside duty that day.

956. If the letter to Mr. Attack passed through your hands, would you remember it now?—I would, Sir.

956A. I understand you to say you have no recollection of either of those letters about that date?—No.

ALFRED PENNIFOLD sworn and examined.

957. *The Commissioner.*] What are you?—A messenger.

958. Do you recognise this book [produced] as the record-book of letters outwards?—Yes.

959. Do you see amongst the entries, under date 4th April, 1894, one to "*Evening Post*" and one to "W. H. Attack"?—Yes.

960. What would that book tend to show you?—It shows that on 4th April, 1894, at 10.10 a.m., Messenger Mason took out a bundle of letters, amongst which were one for the *Evening Post* and one for Mr. Attack.

961. Do you recognise this document [produced] as the duty-plan for the week ending 6th April?—Yes, Sir.

962. Where were you that week?—I was on duty on the second floor at the north end.

963. Have you any recollection of a letter to the *Evening Post*, or a letter to W. H. Attack, having passed through your hands about that period?—No.

964. If a letter passed through your hands about then, do you think it is likely you would recollect it? I mean to the *Evening Post*?—I do not see how I could.

965. If a letter to Mr. Attack passed through your hands, do you think you would remember it now?—I think I should. I have a good memory, but I do not remember seeing it.

STEPHEN TOWNSEND sworn and examined.

966. *The Commissioner.*] What is this book [produced]?—It is the book that the letters sent out for delivery are entered in.

967. Do you see, under date 4th April, 1894, a letter entered as for the *Evening Post*, and one for Mr. Attack?—Yes.

968. What would an examination of those entries tend to show you?—It would show me that those letters were taken out at 10.10 a.m. by Mason.

969. Do you recognise this document [produced] as the duty-plan for the week?—Yes; it is in my handwriting.

970. From what does this plan before us extend?—From Monday, 2nd April, to Saturday, 6th April inclusive.

971. Where were you on duty that week?—On the bottom floor, south end.

972. Do you recollect about that date a letter addressed to the *Evening Post* passing through your hands?—No.

973. Do you recollect one to Mr. Attack?—I am certain I have not taken one for Mr. Attack, because I have never taken a letter from that floor for Mr. Attack to my knowledge.

974. If a letter to the *Evening Post* had passed through your hands about that date, do you think you would recollect it?—I do not think it is at all likely. I might and might not. Some one might give me a note for the *Evening Post* without my remembering it.

WALTER GORE sworn and examined.

975. *The Commissioner.*] What are you?—A Government messenger.

976. What is this book [produced] used for?—It is the letter-delivery book.

977. Do you see under date 4th April a letter entered as addressed to the *Evening Post*, and one to W. H. Attack?—Yes.

978. What would an examination of those entries purport to show you?—That on 4th April Mason, at 10.10 a.m., took out a number of letters for delivery in town, and amongst those letters were one for the *Evening Post* and one for Mr. Attack.

979. Do you recognise this document [produced] as the duty-plan for the week?—Yes.

980. What week?—From 2nd April to 7th April.

981. Do you recognise your own name there?—Yes.

982. Were you on duty on the ground-floor?—Yes; that is the only place I ever am stationed.

983. Can you recollect if, about that date, any letter addressed to the *Evening Post*, any letter to Mr. Attack, passed through your hands?—No.

984. If a letter to either of those addresses had passed through your hands, would you recollect it?—I do not think I would. There are so many letters thrown on the counter on the ground-floor that I do not know where they all come from.

GEORGE WILLIAM STUART sworn and examined.

985. *The Commissioner.*] What are you?—Government messenger.

986. Do you recognise this book [produced]?—Yes; it is the entry-book for letters for town delivery.

987. Amongst the entries under date 4th April, 1894, do you notice a letter addressed "*Evening Post*," and one addressed "W. H. Attack"?—Yes.

988. What would an examination of those entries purport to show you?—That Mason, on the 4th of April, at 10.10 a.m., had those letters given to him, and no doubt he delivered them.

989. What is this document [produced]?—It is the plan to show messengers their duties for the week ending 6th April.

990. How were you engaged during that week?—I was out of doors that week.

991. Have you any recollection, about that time, of a letter addressed to the *Evening Post*, or to Mr. Attack, passing through your hands or coming under your observation?—No.

MICHAEL O'CONNOR sworn and examined.

992. *The Commissioner.*] What are you?—Government messenger.

993. Do you recognise this book [produced] as the entry-book for letters to be delivered in town?—Yes.

994. Amongst the entries under date 4th April, 1894, do you notice an entry "*Evening Post*," and another one further down, "W. H. Attack"?—Yes.

995. Would an examination of those entries tend to show you that on the 4th April, at 10.10 a.m., Mason took out those letters for delivery?—Yes.

996. Do you recognise that as the duty-plan for the week for messengers?—Yes.

997. I want you to carry your mind back to the week ending the 6th April, 1894, to see if you can remember a letter addressed to the *Evening Post*, or to W. H. Attack, passing through your hands?—I do not recollect it.

998. Do you think if such letters did pass through your hands you would recollect it?—Yes, I have a good memory.

JAMES O'GALLIGHAN sworn and examined.

999. *The Commissioner.*] What are you?—A Government messenger.

1000. Do you recognise this book [produced]?—Yes. It is the entry-book for letters to be delivered in town.

1001. What would an examination of the entries "*Evening Post*" and "W. H. Attack," under the date 4th April, lead you to believe?—It would lead me to believe that the letters were delivered by Mason at 10.10 a.m. on 4th April last.

1002. Can you recollect any letter to the *Evening Post*, or to W. H. Attack, passing through your hands about that date?—I was away on sick-leave for two months, which included that week.

THOMAS MALLEY sworn and examined.

1003. *The Commissioner.*] What are you?—A Government messenger.

1004. Do you recognise this book [produced]?—Yes. It is used to enter all letters that go out of the Buildings for delivery in the town.

1005. Do you notice among the entries in the book, under date 4th April, one letter addressed to the *Evening Post* and another to Mr. W. H. Attack?—Yes.

1006. Does an examination of those entries tend to show you that, on 4th April, 1894, Mason took out those letters for delivery?—Yes.

1007. Can you remember if, about that date, any letter addressed to the *Evening Post* or to Mr. W. H. Attack passed through your hands or under your observation?—None. It is years since I got a letter for Mr. Attack.

1008. If such letters did pass through your hands, do you think you would remember them?—I think so.

1009. Are you messenger to the Cabinet?—Yes.

1010. Were you attending to the Cabinet about that period—4th April?—Yes.

GEORGE FORD sworn and examined.

1011. *The Commissioner.*] What are you?—A Government messenger. I may explain, before you begin, Sir, that I was away on leave from 26th March until 8th April.

The Commissioner: Then I shall not require to take any further evidence from you.

WILLIAM BURKITT GOLDSMITH sworn and examined.

1012. *The Commissioner.*] What are you?—Government messenger.

1013. How were you employed on 4th April, 1894?—On ordinary duty, I suppose. I cannot call to mind anything particular on that day.

1014. Were you in attendance on the Hon. Mr. McKenzie?—Yes. He was in town.

1015. Do you recognise this book [produced]?—Yes. It is the book kept as a record of letters sent down town, and outside generally.

1016. Do you notice amongst the entries, under date 4th April, a letter addressed "*Evening Post*"?—Yes.

1017. What does an examination of that entry tend to show?—It means that Mason took the letter down at 10.10 a.m. on 4th April.

1018. Do you recollect if, about that period, a letter addressed "*Evening Post*" passed through your hands or under your observation?—No. I have no recollection of any letter of the sort.

1019. Did any letter from Sir Patrick Buckley to the Hon. Mr. McKenzie pass through your hands on that date?—No, I think not.

1020. Did you deliver any letter about that time from Mr. McKenzie to Mr. Cadman, or to Mr. Ward, marked "Confidential"?—I do not remember doing so. I do not think I did.

JULIUS HOLZ sworn and examined.

1021. *The Commissioner.*] What are you?—A Government messenger.

1021A. Do you recognise this book [produced]?—Yes.

1022. What is it used for?—It is used, I believe, for entering letters that go down to the mail-room to be delivered in town.

1023. Do you notice, under date 4th April, an entry of a letter addressed "*Evening Post*"?—Yes.

1024. Would an examination of that entry tend to show that at 10.10 a.m. on 4th April Mason took out for delivery that letter for the *Evening Post*?—Yes.

1025. Do you recollect if, on or about that date, a letter addressed "*Evening Post*" passed into your hands or under your observation?—No. It did not.

1026. How were you employed on 4th April? At your usual occupation?—Yes.

1027. What is that?—Attending to the Treasury.

HENRY WHITE sworn and examined.

1028. *The Commissioner.*] What are you?—Government messenger.

1029. Do you recognise this book [produced]?—I do not think I have seen it before.

1030. Is it a book containing entries of letters sent into town for delivery by Government messengers?—Yes; I can see that it is, because I see the messengers' names in it.

1031. Does an examination of that book tend to show that, at 10.10 a.m. on 4th April, 1894, a letter was sent out for delivery to the *Evening Post* by Mason?—Yes, I should say so.

1032. Do you remember if, on or about that date, a letter addressed "*Evening Post*" passed into your possession or under your observation?—None whatever.

JOHN HOGGARD sworn and examined.

1033. *The Commissioner.*] What are you?—Chief Clerk, Circulation Branch, General Post Office, Wellington.

1034. I had better read over to you a portion of the evidence of Mr. Andrews, Shorthand-writer to the Premier, on the subject of his posting to Sir Patrick Buckley, at Wellington, an envelope containing the letters which form the subject-matter of this inquiry. You will then be better able to understand the questions to which I require answers. [Evidence of Mr. Andrews read.] Assuming that the letter was posted in Auckland before noon on the 28th March, what mail would it probably go by—what steamer would take it, and *via* what coast?—In reply, of course, I know nothing of what occurred in Auckland; I only know what steamers arrived here. For instance, you say it was posted on the 28th.

1035. Have you had any communication with Auckland for the purpose of finding out what mails left Auckland on the 28th March?—Yes; and I have received word that a letter posted before noon on the 28th March, and up to noon on Thursday the 29th March, for Wellington, would be forwarded per "*Gairloch*," *via* New Plymouth. The "*Gairloch*" reached New Plymouth at 7.5 a.m. on Friday, 30th March, and did not connect with the express. The "*Gairloch's*" mails reached Wellington on Saturday night, the 31st March, and were sorted on Sunday morning.

1036. How would a letter addressed to Sir Patrick Buckley, and marked "*Confidential*," be sorted?—Of course, I know nothing about "*Confidential*," but the letter would be placed in Buckley, Stafford, and Fitzherbert's private box in the post-office.

1037. Did any other mail leave Auckland on the 28th March for Wellington?—I cannot be sure of that, but I suppose not.

WILLIAM NANCARROW, Purser, s.s. "*Manapouri*."

I have no recollection of having received a letter from this gentleman, Mr. McGoldrick, on the 16th day of March, 1894, addressed to the Hon. the Premier, for delivery at Auckland. I would not make any entry in any of my books of such a letter. I would take such a letter into my own cabin at once, and after I left the Wellington Wharf I would open the letter-box and put all the letters together, and sort them—those for Napier in one bundle, those for Gisborne in another, and those for Auckland, Sydney, &c., in another. On arrival at Auckland I would give the Auckland letters, together with those for Australian ports, to the Post-office official who takes charge of the mail from the ship to the post-office. The man who generally takes delivery of these letters at Auckland is G. Moulder. I get a receipt for the mails. I do not get a separate receipt for the loose letters. I do not know if Moulder enters these letters in a book. To the best of my knowledge and belief these letters would not be handled by any one else but myself until they were delivered to the Postal official in Auckland whose duty it would be to receive them. I have no doubt but that such a letter, if received by me, would be safely delivered in the manner I have stated. I am particularly careful with loose letters.

THURSDAY, 7TH JUNE, 1894.

THOMAS KILFOYLE, Clerk, Chief Post Office, Auckland, sworn.

Recognise book as attendance-book of the office. Recognise my signature, showing that I arrived 6.5 a.m.; left at 9 a.m.; returned at 9.30 a.m.; left at 12.15 p.m.; returned at 3 p.m.; and left at 6.30 p.m.; returned at 7.30 p.m.; left at 8 p.m. Most of the time I was employed sorting letters. Do not recollect a letter addressed to Hon. the Premier passing through my hands, or under my observation on that date. If such a letter, *i.e.*, a loose letter, *ex* "*Manapouri*," came into my hands, I would mark it "*Loose letter*," stamp it, and place it on the primary sorting case

for private boxes. My connection with it then would cease. Recognise this book as the mail-register; and an examination of the book shows that on Monday, 19th March, the "Manapouri" arrived in Auckland with mails from the South, and that there was no mail from Wellington per "Manapouri." Am not aware of any record showing the receipt of any loose letters *ex* "Manapouri" on that date, except the memorandum-book produced, showing that on that date Mr. Hooper received ten loose letters *ex* "Manapouri," from the messenger, G. Moulder.

GEORGE MOULDER, Head Messenger, Chief Post Office, Auckland, sworn.

This book shows that on the 19th March, 1894, I received ten loose letters from the purser of the "Manapouri." I believe I got them from Mr. Nancarrow. I cannot recollect if any one of them was addressed to the Hon. the Premier. I usually get them tied together with a piece of string, or an elastic band. There was no Wellington mail *ex* "Manapouri" on that date. I counted the letters and handed them over to Mr. Hooper; my connection with them would then cease unless I was ordered to stamp them. In this case I was not ordered to do so, as I was very busy on account of the arrival of the English mail.

JOHN RULE HOOPER, Clerk, Chief Post Office, Auckland, sworn.

Recognise this book, and it shows that on the 19th March, 1894, I received from G. Moulder ten loose letters *ex* "Manapouri" from the South. The "Manapouri" did not bring a mail from Wellington. This is proved by an examination of the mail-register produced. I do not know if one of these loose letters was addressed to the Hon. the Premier. I would, in ordinary course of business, examine them to see if the fees were correct, then stamp them, and put them on the primary sorting table; my connection with these letters would then cease, and the private-box sorter would, unless specially directed to do otherwise, sort it into the Minister's private box.

JOHN REID, Clerk, Chief Post Office, Auckland, sworn.

Recognise this book as attendance-book of the office. I was on duty that day generally, sorting and dispatching inland mails and country mails. Cannot recollect if, on or about that date, a letter addressed to the Hon. the Premier passed through my hands or under my observation. A loose letter so addressed would be placed in the Minister's box, unless orders to the contrary had been received.

A. J. BERRY, Clerk, Chief Post Office, Auckland, sworn.

Recognise this duty-list; also recognise this attendance-book. I was present in the mail-room on the 19th March, opening mails and generally sorting letters. Cannot recollect if, on or about that date, a letter addressed to the Hon. the Premier passed through my hands or under my observation. If a loose letter addressed as stated came into the mail-room, it would, if the Minister was not in Auckland, most probably be placed in the Minister's private box, unless we had special instructions to the contrary.

A. H. STEWART, Clerk, Chief Post Office, Auckland, sworn.

Recognise this duty-list; and this as the attendance-book of the office. An examination of these documents show that on that date I was in the Chief Clerk's room, and, as the English mail arrived on that day, it is very likely that I assisted in sorting the mails in the mail-room. Cannot recollect if on that date a letter addressed to the Hon. the Premier passed through my hands. Unless specially directed to the contrary, such a letter would be placed in the Minister's private box.

G. H. FOUNTAIN, Clerk, Chief Post Office, Auckland, sworn.

Recognise those documents as office duty-list for week ended in March, 1894, and attendance-book of office. An examination of those documents shows that on 19th March I was employed in general sorting. I cannot recollect if, on or about that date, a letter addressed to the Hon. the Premier passed through my hands. If such a letter passed through my hands, unless specially ordered to the contrary, I would get it sorted into the Ministerial private box.

HENRY THOMAS, Clerk, Chief Post Office, Auckland, sworn.

I recognise these documents viz.: the attendance-book of the office and the duty-list for period ended 24th March. An examination of them shows that on 19th of March I was engaged in sorting the mails into the private boxes on that day, and I was sorting the letters in No. 1 and No. 4 divisions. The Ministerial private box is in No. 4 division. The number of the box is 213. Such a letter—that is, a letter addressed to the Hon. the Premier—would be sorted into Box 213, unless specially ordered to the contrary. I cannot recollect if on that date a letter addressed to the Hon. the Premier passed through my hands. The mail-register book and the loose-letter book, show that the "Manapouri's" mail, including the loose letters, came into the office at 6.40 a.m. on the morning of the 19th of March; and an examination of those documents shows that there is little doubt but that I alone handled it after it got into No. 4 division.

MILLY ISABEL PORTER, Stamp Clerk, Chief Post Office, Auckland, sworn.

I recognise this book as No. 1 registered-letter receipt-book. This entry shows that on the 24th March, 1894, Mr. C. Robinson, Caretaker, Government Buildings, gave me a packet for the Hon. R. J. Seddon, addressed to Helensville. The number of the registered-letter receipt was 4320. There was only one packet; I believe it was tied up in brown paper, and I got it some time in the afternoon, after 1 p.m. and before 3.30 p.m. I kept it at the counter until it was taken away and signed for by Mr. Bedford. I recognise Mr. Bedford's initials on the counterfoil of the receipt.

CHARLES ROBINSON, Caretaker, Government Buildings, Auckland, sworn.

I am the Caretaker of the Government Buildings. I have custody of the key of the Ministerial private box, No. 213. I examine the box daily, and, if Ministers are in the district, I examine and empty it several times daily. If Ministers are in Auckland I take the letters and deliver them to the Minister's Private Secretary; if the Minister is not in Auckland I place all letters on the Minister's table, in the Ministerial room, in the Government Buildings, until I get instructions from the Private Secretary directing me how to deal with them. I opened the box daily from 19th to 24th March, both days included, and kept the correspondence till 24th March; and on that date I sent them to the Hon. R. J. Seddon at Helensville by registered letter 4320. I gave the parcel to one of the lady clerks; I believe it was to Miss Porter. I cannot recollect receiving the letter in question. I kept the letters in safe custody, and kept the room locked, and kept the key in my pocket. I swear that during the time it was in my custody, if it was enclosed in the parcel I sent to Helensville, it could not have been tampered with. If any letter addressed to the Hon. the Premier had been tampered with I think I would have noticed it. I did not notice any such letter. I produce a telegram from Mr. Hamer, the Private Secretary to the Hon. the Premier, which I received on 24th March, instructing me as follows: "Please send all letters to Helensville by afternoon train, also latest papers.—J. H. HAMER, P.S., Port Albert." This telegram appears to have been received for transmission at Port Albert at 9.30 a.m., and received at Auckland at 11.14 a.m. on the 24th of March, 1894. All letters for Ministers I register before sending off. So far as I can remember, I only sent away one parcel of letters to the Hon. the Premier that week. I know Mr. Andrews, the shorthand-writer to the Premier. I did not get any letter from him to be posted on Wednesday, 28th March, prior to 12 noon. I have reason to know this, because I sit at the Minister's door for the purpose of showing people in and out and announcing them, so that I cannot leave my post unless specially ordered to do so by the Minister.

A. E. BEDFORD, Clerk, General Post Office, Auckland, sworn.

I recognise these documents: one is the duty-list for the week ended the 24th March, 1894, and the other is the attendance-book. I was on duty on the 19th March, 1894. Portion of my time was spent in the mail-room, sorting generally. I did not do any private-box sorting on that date. A loose letter, "*ex* Manapouri," addressed to the Hon. the Premier, would go into the Ministerial private box. I have no recollection of handling any letter addressed to the Hon. the Premier on that date. I recognise this as the registered-letter receipt-book, No. 1. Letter No. 4320 I took from the counter and initialled for it; these are my initials on the counterpart. I crossed it in blue pencil, if it had not been so crossed previously, and stamped it with the registered-letter date-stamp. This packet came in after I had closed the registered letters for the Kaipara mail; and as the messenger from the Government Buildings said it was very important, and the Premier wished to get the packet that night, I got it sent on by that mail, and entered it on the letter-bill of the mail to Helensville, and entered it in No. 2 book. The No. 2 book entry is 9784 [entry produced] the entry is initialled "O.D.G.," being the initials of George, the messenger at Helensville. This green receipt, No. 9784, is a receipt for the packet in question, and purports to show that it was received by Mr. Hamer, the Private Secretary to the Hon. the Premier. The Helensville mail usually closes at 4 p.m., and this packet went to Helensville by that afternoon mail.

S. B. BISS, Chief Postmaster, Auckland, sworn.

A letter posted at the Chief Post Office, Auckland, before 12 noon on the 28th March, 1894, would be despatched from Auckland by the steamer "Gairloch" from Onehunga, in mail No. 66 [counterpart of letter-bill No. 66 produced], closing at 11 a.m. on Thursday, 29th March. This information is further confirmed by mail-register [produced] showing that mail 66 contained ten bags for Wellington. I cannot say if the "Gairloch" went to New Plymouth or Waitara first. I have reason to believe, from an examination of the shipping report in the newspapers, that the "Gairloch" did not on that occasion connect with the southern express. If the "Gairloch" did not connect with the southern express, the mail No. 66 would not reach Wellington until the night of Saturday, the 31st of March, 1894.

H. JEFFRIES, Postmaster, Helensville, sworn.

This is a letter-bill of the mail from Auckland to Helensville on the 24th March, received at Helensville about 7.25 p.m. on Saturday the 24th. In this mail was a registered packet for the Hon. R. J. Sedden, No. 9784, initialled by Osborne Day George, the messenger. This letter was delivered to Mr. Hamer, the private secretary to the Hon. R. J. Sedden, the same evening, at the office; he came for the letters. He got the packet between 7.30 and 8 p.m. on the 24th March. I gave the packet to Mr. Hamer myself, and wrote my name on the back of the receipt. If the packet had been broken in any way the fact would be noted.

E. W. MARRINER, Clerk, Chief Post Office, Auckland, sworn.

Recognise these documents: One is the attendance-book of the department, and the other is the duty-list of the office for the week ended the 24th of March. I was on duty on the 19th of March, private-box sorting. Box 213 is in No. 4 division. I cannot say if a letter addressed to the Hon. the Premier passed through my hands on that date. A loose letter *ex* any steamer, addressed to the Hon. the Premier, Auckland, would go into the Ministerial private box, unless special directions to the contrary had been received.

THOMSON WILSON LEYS, Editor, *Auckland Star*, sworn.

On the 28th March, 1894, in consequence of a brief Press Association telegram, announcing that Colonel Fox had resigned, I interviewed the Premier at the Star Hotel, Auckland, and asked him for further information on the subject. Mr. Seddon stated that he had only received Colonel Fox's letter at Helensville on his way down from the North; and that, as it was a matter of great public importance, which would demand the attention of the Cabinet, it would be improper to make it public at that time; he said, however, that the statement that Colonel Fox had resigned was incorrect; that Colonel Fox had submitted proposals to the Government which involved his resignation on certain conditions; these conditions would be only considered upon his return to Wellington. I pressed the Premier to give me permission to publish the nature of Colonel Fox's proposals; but he declined. I never saw the letters, or any copy or draft of them. The usual way of obtaining information for the Press upon matters of such importance is to apply directly to the Minister, or Under-Secretary, in the case of a political matter; or to the head of the department, or chairman or secretary of a Board, in case of matters directly affecting the department or corporation. If the editor of a leading journal stated that he got such a piece of information in an honourable way, I would presume that he got it from a person duly authorised to give it to him. I am speaking of such documents as those forming the subject-matter of this inquiry; if such an important matter came into my possession through a junior officer, under a pledge of secrecy, I would decline to receive it. I have, during my journalistic career, refused to publish important information obtained from a junior officer under a pledge of secrecy. I have in my mind a case in which I sent a reporter back with a letter so obtained, and instructed him to see the responsible officer in the matter. News comes to journals through so many channels that it is impossible to lay down any hard and fast rule. It often happens that journalists are intrusted with confidential information on the understanding that they will not publish it. Such confidences are, I believe, almost invariably respected. On the other hand, matters which the principals concerned wish to keep quiet frequently reach newspapers through the gossiping of persons in possession of the secret. If a matter which had leaked out in this way came to a journalist under no pledge of secrecy, he would doubtless feel justified in publishing it. I may say, generally, however, that no respectable journalist would obtain news for publication either by eaves-dropping, by filching documents surreptitiously, by breaking confidences, by tempting subordinate clerks to commit breaches of faith, or, indeed, by any other method which would be regarded as dishonourable in any other profession or in the ordinary relations of private life.

DECLARATION BY E. T. GILLON, EDITOR OF THE "EVENING POST," WELLINGTON,

WITH REFERENCE TO THE FOX CORRESPONDENCE.

I, EDWARD THOMAS GILLON, of Wellington, journalist, do solemnly and sincerely declare—

1. That I am the editor of the *Evening Post* newspaper, published at Wellington.
2. That on the 4th day of April last past I caused to be published in the said *Evening Post* certain information concerning letters addressed by Colonel Fox to the Premier on the 16th day of March, 1894.
3. That I am now credibly informed that Mr. Charles O'Hara Smith, who was appointed a Royal Commissioner to inquire into the circumstances of the publication of the said information, and as to how I became possessed thereof, has reported to His Excellency the Governor that, in his, the said Charles O'Hara Smith's, opinion, the evidence taken by him points to the conclusion that I obtained the information between certain hours on the 4th of April, and while the original letter from Colonel Fox was in the custody of either the Hon. Sir Patrick Buckley or the Hon. Mr. Cadman, or in transit between the two ministers named in charge of a messenger; and that the information was obtained from the Hon. Sir Patrick Buckley, the Hon. Mr. Cadman, or the messenger referred to, the evidence, in the opinion of the Commissioner, pointing most directly to the Hon. Sir Patrick Buckley as the informant.
4. That such a conclusion is altogether incorrect, and contrary to fact.
5. That the information did not reach me in the manner or from any of the persons assumed, as above stated, by the Commissioner.
6. That, neither directly nor indirectly, were the Hon. Sir Patrick Buckley, the Hon. Mr. Cadman, or the messenger referred to, concerned or implicated in my obtaining the information regarding Colonel Fox's letter published in the *Evening Post* of April 4th, 1894.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."

E. T. GILLON.

Declared at Wellington, this 28th day of June, 1894, before me—R. A. Loughnan, J.P., New Zealand.

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