

12. Did you produce any?—No, I said I appeared not to defend the case, but only to shew that I held the Court in no contempt.

13. You stated your intention of appealing did you put the question to the Magistrate whether any form was necessary in appealing?—Yes I did, and the Magistrate appealed to Mr. Armitage who stated he was not aware of any form of notice being necessary.

14. Were you aware of any notice being necessary?—I was not.

15. Did you apply for copies of the Depositions?—Yes, after the case was over. The Magistrate stated he should not give them till he had put himself in communication with the Attorney-General. I afterwards saw him at the Hotel and again applied for copies, but was refused.

16. Was Mr. Leopold Yates personally summoned?—He was.

17. *Mr. J. C. Richmond.*] You say that the evidence of the Half-caste Girl was not taken—did you call attention to this?—I did.

18. Were you sworn yourself?—I was not.

19. Have you since received copies of the depositions?—No, I have not.

20. Have you applied for them?—Not since I have been in Town, but I believe Mr. Merriman has.

21. *Dr. Monro.*] Do you know the provisions of the "Summary Proceedings Ordinance"?—No, I do not.

22. *Mr. Fitzgerald.*] You state in your Petition that you consider the Magistrate had no right to hear the case in the absence of your Brother. Why do you consider this?—Because my Brother was not present.

23. Why was he not?—Because he had come to Auckland for legal assistance.

24. *Mr. J. C. Richmond.*] Did you urge this before the Magistrate as a reason for deferring the case?—No, I did not; my Brother not being called.

The Witness then withdrew.

Mr. Armitage, Solicitor of Waikato, in attendance was called in and examined.

1. *By the Chairman.*] Did you act on behalf of the Government on this Prosecution?—I did.

2. Are you aware whether Frederick Yates made any application to have the case deferred?—No application was made.

3. Did he apply to the Magistrate to know if any form of appeal was necessary?—He enquired whether he had an appeal, I told him yes, and referred to "Chitty on Summary Convictions," which I shewed him.

4. Were you aware that the "Summary Proceedings Ordinance" requires a notice of appeal to be lodged within three days?—I was not.

5. Did you give them any information as to what steps were necessary to appeal?—I simply read the rule from Chitty.

6. *Dr. Monro.*] Had the Magistrate the Ordinances of New Zealand?—He had.

7. What rule is it in Chitty you referred to?—Without the book I could not state the precise rule, but I shewed him he had a right of appeal.

8. Did F. Yates apply for copies of the depositions to the Magistrate?—Yes, and the Magistrate declined giving them.

9. Did any thing transpire in the Court to put the Defendant in a position to know what steps were necessary to appeal?—Certainly not.

10. Did you mention any thing to him about removing it by Certiorari into the Supreme Court?—I don't remember having done so, but probably I did.

11. *Mr. Gillies.*] Were the proceedings in the Court guided by "Jervis' Act"?—Yes, entirely so.

12. Did he make any complaint about not being allowed legal advice?—I did not hear him make any; he said he should not examine the Witnesses, but in the case of the Witness Brewer he did so.

13. Was there any possibility of their obtaining legal assistance between the time of serving the summons and the hearing of the case?—I should think not, but if Yates had asked for an adjournment of the case for that purpose I should have consented to it, on payment of the costs of the day, but this not being asked for, I felt it my duty to go on with the case.

14. Under what authority did the Magistrate award £90 costs?—He has a discretionary power under "Jervis' Act."

15. How is that sum made up?—It appears on the Magistrate's book. Principally by my fees which amounted to about 66 guineas.

16. Who were you employed by?—The Attorney-General.

17. Has the fine and costs been paid?—I believe not. The Government has satisfied my claim. The Witness then withdrew.

The Committee then adjourned till Saturday, the 29th instant.

T. H. FITZGERALD,
Acting Chairman.

MONDAY, THE 1ST DAY OF OCTOBER, 1860.

Committee met pursuant to notice.

Present:—Mr. J. C. Richmond, Mr. T. B. Gillies, and Mr. Fitzgerald.