

I then proceeded to the Court House (W. Nero's house) and swore in all the officers for the Hundred of Whaingaroa; and the like for the Hundred of Te Akau, with the exception of those of the Northern portion thereof, about which I have already written you.

I was subsequently engaged till 10 p.m. in hearing a case of claim for damages for pigs belonging to Kereopa killed by the Ngatimahanga. This has been a grievance of long standing, and my adjudication thereupon seemed to satisfy all parties.

I have also the honor to inform you that Mr. J. C. Johnstone called upon me in reference to a letter he had received from the Assistant Law Officer respecting complaints he had made against W. Nero for abusive and threatening language. He wished to know if I had been a party to an investigation which Mr. Fenton stated he had made, or had been made in this matter. Mr. Johnstone was so impertinent in his remarks about Mr. Fenton that I declined giving him any reply thereto, and he made a note thereof.

I should wish to state that I wrote him some time ago to furnish me with full particulars of his complaints respecting his sheep, which I have been instructed to investigate; he has failed to give me such particulars, referring me to letters written to the Hon. the Colonial Secretary, &c. I therefore told him that I could not proceed in the enquiry without such particulars. Mr. Johnstone also made a complaint to me that W. Nero and his tribe were living on his (Mr. J's.) land, and that he wished me to eject them. I promised to enquire into the matter, which did not satisfy him, and he threatened to take the law into his own hands; I warned him of the consequences, and he again repeated the threat. Partly from his own admission, and from information supplied me by Hetaraka Nero, I am inclined to think that W. Nero is tenant from year to year of the land in question; but I will enquire more fully into the matter on my return.

We are just proceeding to Aotea.

I have, &c.,

J. ARMITAGE, R.M.,
Lower Waikato.

To the Hon. H. Sewell,
Attorney-General, Auckland.

No. 12.

REPORT BY J. ARMITAGE, ESQ., OF FURTHER PROCEEDINGS OF THE RUNANGA OF WHAINGAROA.

Hundred of Whaingaroa.

Raglan, 12th April, 1862.

SIR,—

I have the honor to inform you that I feel much satisfied with the general proceedings of this Runanga, and with the manner in which the Magisterial decisions of myself and the Assessors are attended to.

Hetaraka Nero has applied to me in reference to the expenses of the meeting lately held here about the road from here to Waipa. The amount for food purchased for the occasion is £36 9s., and he wishes to know whether this sum, or any part thereof, will be defrayed out of the sum voted for the road. The meeting was necessary, in order to obtain the consent of the various tribes to the construction of such road.

The Runanga has again applied to me for a doctor to be stationed here. They proposed a Mr. Bishop, a quondam medical student now resident here, but I cannot recommend him to your notice.

I have a point of some difficulty here on which I should wish to be favored with your opinion, or to draw your attention thereto.

It appears to me, by the 1st clause of the Native Circuit Courts Act, that the Crown lands here are exempted from the operation of that Act, though not specially excepted by the Order in Council appointing the Lower Waikato District; and consequently that under that Act I have no power to adjudicate on cases either civil or criminal where the cause of action arose or the offence was committed on such Crown lands.

The two races are living here in close contiguity, and disputes are constantly arising between them which require adjudication. Dr. Harsant, the Resident Magistrate here, has publicly intimated (I am informed) that he will not grant any summonses in Native cases, or between Natives and Europeans. The Natives themselves have so little confidence in his decisions that they will not (since my appointment) apply to him for summonses, and on the other hand they object to my adjudication in cases between them and Europeans without the Assessors act with me. I think their objection a reasonable one. I was recently applied to by a European for a criminal summons against a Native for larceny, committed on Crown lands; I granted it, and heard the case in the Native Court along with the Native Assessors. The Native was convicted, and paid into Court four times the value of the stolen goods, with costs. The tribe were satisfied with the decision because their Assessors concurred therein. Supposing, however, the converse of this case was to occur and the European objected to the Assessors acting with me, or supposing he waived this objection and the Assessors wished to convict and I opposed such conviction and declined doing so, in either case, very great dissatisfaction in the Native mind would then be the result.

European homesteads in Native Districts are provided for by the 4th clause of the Act, but it appears to me that the framers of the Act omitted to provide for the case of a European settlement in the midst of a Native District.