

Titles Investigation Act, in which you were presiding. But you ought to have been aware, and if it were necessary to advert to the subject in Court, you should have explained that the taking of land has been a Legislative act, a political punishment for the offence of rebellion; whilst the Courts—Native Lands and Compensation—are alike established by the Legislature to watch over the interests of the innocent.

I regret that you should have thought fit to state absolutely beforehand, without cause shown or hearing evidence, that in future no adjournment will take place whatever may happen. The Government are advised that in ordering costs against the Crown you exceeded your powers: accordingly they will not act upon these orders. Your anxiety to sustain the credit of your office should induce greater care; and I suggest that the false position in which your want of circumspection has placed the Court will be best escaped from by your liquidating the amounts yourself.

The Government are sorry to have to animadvert thus on your proceedings. It is necessary, however, to remind you, that though they have official duties as a suitor in the Court, they have functions as guardians of peace and order which your disloyal tone may seriously impede. Their confidence in your discretion and impartiality will not be easily restored.

H. Monro, Esq.,
Judge, Native Lands Court.

I have, &c.,
J. C. RICHMOND.

No. 12.

Copy of a Letter from Mr. FENTON to the Hon. J. C. RICHMOND.

(No. 747.)

Native Lands Court Office,
Auckland, 28th August, 1867.

SIR,—

I have the honor to acknowledge the receipt of Mr. Under Secretary Rolleston's letter of the 22nd instant, No. 544-1, on the subject of the orders for costs given by Mr. Judge Monro, at the sittings recently held at Turanganui.

In reply I beg to say that I hope the Government on some future occasion in which the Crown appears in the Court will instruct their agent to argue that the Court has no power to order costs against the Crown. I have not given the point hitherto any consideration, for I have always taken it for granted that clause sixty-four of the Act of 1865, and the fourth clause of "The Crown Costs Act, 1858," gave the power, and neither Mr. Gillies nor any of the counsel who have ever appeared for the Crown have ever raised the objection. Possibly in the case referred to in your letter the question arises because the matter did not go to "Judgment," the event contemplated in the Act of 1858.

The Hon. J. C. Richmond.

I have, &c.,
F. D. FENTON,
Chief Judge.