

But my mind is clear that he has committed an offence for which he may, and should be indicted, malfeasance by a public officer to the injury of Her Majesty's subjects or any class of them, is a misdemeanour at the common law. The remitting the £1000 would not alter the offence, even if it was true that Macandrew had sent it, which does not appear to be the case; whether the facts as stated here can be proved in the Colony, cannot be ascertained in Auckland. Numerous difficulties in the prosecution may arise from the principle of the English law that the evidence of intention in a criminal trial must be given in the presence of the prisoner.

But the case is a very gross one, and the law I think is clear.

I have, &c.,

F. D. FENTON,
Assistant Law Officer.

P.S.—I have only considered the recent case of the draft in favor of Rayner and Co., not the case reported on by Dr. Knight.

F. D. FENTON.

No. 12.

Copy of a Letter from the SUPERINTENDENT, Otago, to the Hon. the COLONIAL SECRETARY.
(69-5.)

SIR,—

Superintendent's Office, Dunedin, 22nd April, 1862.

No. 413, April 7.

I have the honor to acknowledge the receipt of your letter as per margin, with reference to the expediency of taking any further proceedings against Mr. Macandrew, and in reply to state that I will give my attention to the subject at the earliest opportunity.

The Assistant Law Officer's opinion, which was enclosed, was duly received by me.

I have, &c.,

J. RICHARDSON,
Superintendent.

The Hon. the Colonial Secretary, Auckland.

No. 13.

Copy of a Letter from the SUPERINTENDENT, Otago, to the Hon. the COLONIAL SECRETARY.
(69-7.)

SIR,—

Superintendent's Office, Dunedin, 24th May, 1862.

With reference to your letter of the 7th ultimo, with enclosure from the Law Officer upon Mr. Macandrew's case, I have the honor to state that the Government consider that they have fulfilled their duty in placing before the General Government the conduct of the late Superintendent, Mr. Macandrew, as regards the subjects which were more immediately under the Auditor-General's investigation, and having also submitted the subsequent evidence as to the malappropriation of the sum of One thousand and two pounds fourteen shillings and fivepence.

I have, &c.,

J. RICHARDSON,
Superintendent.

The Hon. the Colonial Secretary, Auckland.

No. 14.

Copy of a Letter from the Hon. the COLONIAL SECRETARY to the SUPERINTENDENT, Otago.
(No. 594.)

SIR,—

Colonial Secretary's Office, Auckland, 19th June, 1862.

No. 69, May 26,
1862.

I have the honor to acknowledge the receipt of your letter of the number and date quoted in the margin, relative to Mr. Macandrew's case.

The Government consider it undesirable to proceed any further in this matter, which is full of difficulty, and the result of any proceedings would be extremely doubtful.

I have, &c.,

WILLIAM FOX.

His Honor the Superintendent, Otago.

No. 15.

Copy of a Letter from the SUPERINTENDENT, Otago, to the Hon. E. W. STAFFORD.

SIR,—

Province of Otago, N.Z.,

Superintendent's Office, Dunedin, 27th February, 1867.

Having been elected Superintendent of this Province, and this day assumed office, I have the honor to request that His Excellency the Governor may be advised to issue to me as early as possible, the necessary delegations of His Excellency's powers under "The Gold Fields Act, 1866," "The Diseased Cattle Act, 1861," and "Amendment Act, 1865," "The Protection of Certain Animals Act, 1865," and also the powers vested in His Excellency by the fifth part of "The Gold Fields Act, 1866."

I have, &c.,

JAMES MACANDREW,
Superintendent.

The Hon. the Colonial Secretary, Wellington.