

CORRESPONDENCE RELATIVE TO THE CONDUCT OF BUSINESS OF THE RESIDENT MAGISTRATE'S COURT, AUCKLAND.

No. 1.

Mr. W. C. DALDY and Mr. J. M. DARGAVILLE to the Hon. the COLONIAL SECRETARY.

SIR,— Police Court, Auckland, 14th November, 1871.
We have the honor to draw your attention to a case which was brought before us, on the 1st instant, at this Court, by J. T. Burgess, Chief Harbour Master, *versus* Peter Matzen, for a breach of the 32nd clause of the Harbour Regulations for the Ports of New Zealand.

Mr. Beveridge appeared for the prosecution; Mr. J. B. Russell for the defence.

On Captain Burgess's evidence being given, Mr. Russell took objection to the power of the Chief Harbour Master laying information without special authority. As this was seriously urged on behalf of the defendant by his counsel, although we do not entertain any doubt as to the power of the Chief Harbour Master laying information under the Harbour Regulations, we see that the objections open up the very important question of the validity of the Harbour Regulations of the Colony, and think it our duty, on public grounds, to request you will be pleased to obtain the opinion of the Attorney-General as to who is authorized to lay information under Harbour Regulations, and thereby settle the question.

We have reserved judgment until we receive your reply.

We have, &c.,

W. C. DALDY, J.P.

J. M. DARGAVILLE, J.P.

The Hon. the Colonial Secretary,
(Judicial Branch,) Wellington.

No. 2.

The Hon. W. GISBORNE to Mr. W. C. DALDY.

Colonial Secretary's Office (Judicial Branch),

Wellington, 16th January, 1872.

SIR,— Adverting to the letter signed by you and Mr. Dargaville, dated the 14th November last, inquiring who is the person authorized to lay information under the Harbour Regulations for the ports of the Colony, and intimating that a decision to be given by a Bench of Justices in Auckland was dependent on the reply to your question, I have the honor to inform you that the Government see no reason for departing from the usual rule of the Executive Government not advising Justices as to matters depending before them.

W. C. Daldy, Esq., J.P., Auckland.

I have, &c.,

W. GISBORNE.

No. 3.

Mr. J. B. RUSSELL to the Hon. the COLONIAL SECRETARY.

Frazer's Buildings, Shortland Street,

Auckland, 21st November, 1871.

SIR,— On Thursday, the 2nd day of November, instant, I appeared at the Police Court to defend a client against a charge, on the complaint of Mr. Burgess, who was represented by counsel; the presiding Justices were Messrs. Daldy and Dargaville; the complaint being for a breach of the Harbour Regulations. I might have taken exception to Mr. Daldy sitting, as he was Chairman of the Harbour Board, but knowing well that gentleman's integrity, I did not.

In the course of the proceedings, I raised two objections in law, upon one of which judgment was reserved.

On Tuesday last, the Resident Magistrate, Mr. Beckham, while adjudicating upon a similar case, when the defendant had pleaded guilty, took advantage of the occasion to make an attack upon my professional character. I was not in the Court, nor was I aware of what was taking place: Mr. Beckham thus interfering with a judicial proceeding and cause in which he was in no way, directly or indirectly concerned. A meagre report of the proceedings is found in the newspaper reports, slips of which report I enclose. The literal language made use of by him is not given; that used by him being more offensive, while his manner was more violent. Mr. Beckham, amongst other things, said,—“Mr. Russell showed gross and wilful ignorance; it was an attempt on his part to pervert justice, as the merest tyro in the profession knew better; any articulated clerk knew it.” He also said, “that my conduct arose from my being too well colonized,” &c.

If the charges made against me by Mr. Beckham be true, I ought to be struck off the rolls, and I have therefore written to him, either to proceed against me in the Supreme Court, or apologize, to which he has not replied.

I have now no other protection than this application for an investigation, as I believe the judicial position protects him from an action for defamation.