

surprise even to the counsel for the defendants, as well as other counsel who were in Court, and which they expressed to me at the rising of the Court. I was at a loss of about £25 expenses out of pocket, beside the debt. I requested my counsel to appeal, as he stated the decision was wrong, but he declined to do so. I had the opinion of other counsel, who informed me that it was very likely he did not want to offend Mr. Beckham.

I had been supplying William Porter, of Auckland, with groceries for a period of three years; and a sum of £15 18s. 8d. having become due to me, I declined to give him any further credit, and, being unable to obtain payment, I was obliged to summon him for the amount. The case came on for hearing in the Resident Magistrate's Court before the said Thomas Beckham, Esq., on the 26th day of May, 1871; and previous to giving my evidence, Mr. Beckham addressed me, and warned me to be very careful, saying, "You brought a case here before," and shook his head, seemingly implying that my evidence in the former case was false. I then swore to the correctness of the bill of particulars filed in the case, and produced my account book wherein the articles furnished were entered, with the dates on which they were obtained, and this evidence was also confirmed by another witness on my behalf.

The only evidence offered on behalf of the defendants was their own, which merely consisted of their swearing that they did not owe me anything—that the claim was unfounded and falsely made, and added that they paid their accounts every Saturday, but could not produce any receipts for any money paid me during the time they had dealt with me; and previous to this they had confessed to several parties in town that they were in my debt. Mr. Beckham, as Resident Magistrate, took time to consider his decision, and in a week or thereabouts gave judgment against me, each party to pay their own costs.

This case cost me about £10 in expenses, and since the above date Porter's family have told several persons in town that I had been endeavouring to obtain money for goods which I had never supplied—all this being caused by Mr. Beckham's decision and remarks.

I consulted a solicitor about prosecuting Porter for perjury, and he informed me that it was quite evident that Mr. Beckham had some animosity and ill feeling against me, as appeared by the manner he had decided the cases I brought before him, and said that if Mr. Beckham was presiding Magistrate when the charge came on, he might again decide the case against me by dismissing the charge. The manner in which Mr. Beckham gave judgment in the cases, and especially the remarks he addressed to me previous to hearing Porter's case, tended greatly to injure my business, and I submit that Mr. Beckham had no right to decide the case in favour of Vance and Co. after their own evidence was given admitting the debt; Mr. Beckham, by his decision, implying that I had sworn falsely.

I may state that it is quite useless for me to summon any person for debts due to me before Mr. Beckham, and am consequently without remedy against parties indebted to me.

There are several sums of money due to me by different parties who are not inclined to pay unless compelled, and which I should be able to recover could the cases be brought before a Magistrate sitting in the place of Mr. Beckham.

In consequence of the facts before stated, I respectfully request that the Government will cause an inquiry to be made into the subject of this complaint.

I have, &c.,

MAURICE FOLEY,

Grocer and Tea Dealer, Victoria Street, Auckland.

The following is a copy of an advertisement inserted by me in the *Daily Southern Cross* newspaper, dated 21st June, 1871:—

CHALLENGE.—I challenge any one to prove that I have in any way wilfully wronged any person out of a single shilling. Any one that can prove I have done so, I guarantee to pay to them five or ten times the amount of that which is proved I have wronged the person or persons of.

MAURICE FOLEY,

Grocer, Victoria Street.

Auckland, 20th June, 1871.

No. 2.

Mr. R. G. FOUNTAIN to Mr. M. FOLEY.

Colonial Secretary's Office (Judicial Branch),
Wellington, 12th September, 1872.

SIR,—

I am directed by Mr. Sewell to acknowledge the receipt of your letter of the 26th ultimo, complaining of decisions given by the Resident Magistrate at Auckland, in cases heard by him last year and the year before, in which you were interested; and in reply to inform you that the Government cannot take upon itself to review the decisions of Magistrates, and that, as you were in one case represented by counsel and in the other took legal advice, you should have availed yourself of your legal remedy at the time.

I have, &c.,

R. G. FOUNTAIN,

(for the Assistant Law Officer.)

Mr. M. Foley, Auckland.

No. 3.

Mr. W. L. REES to the Hon. the COLONIAL SECRETARY.

Auckland, 23rd September, 1872.

SIR,—

Some time since I wrote to you complaining of the conduct of Mr. Thomas Beckham, Resident Magistrate of this place. To that communication I received an answer that, as a rule, the Government did not enter into such complaints. I must now, however, again ask the Government to take some notice of the matter, and, if necessary, to depart from their usual custom of non-interference.