

1877.

NEW ZEALAND.

PUBLIC PETITIONS COMMITTEE.

REPORT ON PETITION OF HONORIA McMANUS, TOGETHER WITH MINUTES OF EVIDENCE AND APPENDICES.

(Ordered to be printed 17th August, 1877.)

THE petitioner prays for inquiry into the circumstances of the illegal imprisonment of her son by certain Justices of the Peace, and that relief be afforded her.

I am directed to report that the Committee having made inquiry into petitioner's case, and invited the Justices of the Peace, who sat on the Bench when the petitioner's son was ordered to be imprisoned for one month, to offer any explanation to the Committee they thought desirable, are of opinion that the explanation offered by the Justices is unsatisfactory, and no justification of their action in illegally imprisoning petitioner's son for an offence unknown to the law. The Committee therefore recommend that the petitioner's case be referred to the Government, and the Justices called on to show cause why reparation should not be made by them to the petitioner and her son; and, in the event of their not making fair reparation, that they be called on to resign or be struck off the list of Magistrates.

T. KELLY,
Chairman.

17th August, 1877.

MINUTES OF EVIDENCE.

JULY 26TH, 1877.

HONORIA McMANUS examined.

1. *The Chairman.*] You are the petitioner in this case?—Yes. Before giving my evidence, I beg to thank the Committee for their kindness in giving me this opportunity of appearing before them. I feel that the law has been violated, and that I have been so grievously wronged that no other course was open to me than to appeal to their generosity. As a British subject, I consider that the law has been violated, and I therefore desire to bring the matter before the public in its proper light.

2. You state in the petition that your son was illegally imprisoned by the order of the Magistrates?—Yes.

3. How was that done? What was charged against him?—Absconding from his master was the charge. He was an apprentice to Mr. Roth. On the Queen's Birthday he and another apprentice went to the theatre. On returning home from the theatre their master refused to admit them.

4. When did they return home?—After 11 o'clock, as soon as the theatre was over.

5. What was the result?—The boys took a bed that night. Next morning, before breakfast, they went to their master's place and offered to work. Mr. Roth's boy refused to admit them. My son then went to Mr. Hesketh, and told him what had happened. Mr. Hesketh told my son to bring him his indenture and he would look over it, and to take lodgings in the meantime. My son called on Mr. Hesketh again, bringing his indenture with him. Mr. Hesketh told him that the indenture was perfectly legal, to go to his master's place again, and, if he did not receive him this time, to return to him (Hesketh) and he would enter an action. The boys went accordingly, and Roth said he would receive them; he asked them to come along with him, and they foolishly followed. He took them to the Police Office; they were taken into custody and locked up until next morning. When my son wished to explain that he did not intend to abscond he was silenced. Both boys were brought before the Court; my son was sentenced to a month's imprisonment with hard labour, and the other boy to twenty-four hours' imprisonment.

6. Who were the Magistrates?—Captain Daldy was Chairman; E. H. Isaacs and Charles O'Neill.

7. And what was the result?—My son was sent to prison for a month at hard labour.

8. Did he serve the term?—Yes. I went out to the gaol and called upon my son. He related the case to me as I have to you. I told him I knew it was contrary to law, and I made a vow to the Almighty that I would never rest until I brought them to justice. I went to Mr. Rees about it, and he said it was a most rascally thing. He told me that some Magistrate named Horne had lost heavily