

way. Roth gave some evidence. He showed that he tried to make the boy obey him and do his work, but he would not do it. The character given, as far as work was concerned at least, was not the best. Captain Daldy, being the senior and one of the oldest Justices in the colony, presided, and gave judgment. I agreed in the judgment that was given, because from the Act that was placed before us the Justices had clearly the power to give him a month. It may have been an error so far as the law was concerned, but it was perfectly clear in our minds that the Justices had power to give the judgment they did.

26. This man Roth applied for a warrant, did he? From what Justice did he obtain a warrant?—I do not know. I knew nothing of the case until I went on the Bench.

27. Did it come out in Court that a warrant had been issued?—I cannot recollect.

28. Was the boy allowed to speak when he was brought up?—Yes; he was asked if he had any questions to ask. I think he asked some.

29. Was he defended by any counsel?—I do not think so.

30. Did any person appear on behalf of Roth?—I think a solicitor appeared. I think Mr. Joy was there, but I am not positive on the point. I know it was shown clearly the boy was an apprentice, because the indenture was produced in Court.

31. Under what Act was he convicted?—Really I cannot say just now. It appeared at the time perfectly clear. It has been since that time I have heard that there was no law for it.

32. Where the Justices influenced in coming to its decision by the counsel of Mr. Roth, and the law he laid down on the occasion?—I cannot say that; the Justices decided only by what appeared to be the law.

33. Was any opportunity offered to the boy to get counsel?—He was asked if he had any questions to ask. He did not ask to have any counsel. I think he had been in the police office before for the same thing.

34. Did it appear to the Justices that because he absented himself one night, therefore he was entitled to be punished by a month's imprisonment?—It appeared at that time that that was the only sentence they could pass in terms of the Act.

35. Could not you have dismissed the case?—Any case might be dismissed for insufficient evidence; but, as far as I can recollect, that seemed the only term given in the Act. What that Act was, I could not now say.

36. There were two boys concerned?—Yes, they were tried at the same time for the same offence.

37. One got twenty-four hours and the other a month at hard labour? Why was such a distinction made?—I think it was the first time the other boy had ever been up, but I do not know whether he was one of the apprentices.

38. And the reason that McManus received a month's imprisonment, you think, was because he had committed an offence of a similar kind before?—I believe that was the case—once or twice.

39. Did it come out on the occasion of this inquiry that the boy was absent against his will—the master would not let him come in?—I cannot say.

40. Did the boy say so in Court?—I cannot recollect.

41. It appears from the evidence taken that the boy wished to speak, and the Chairman told him to be silent, and would not allow him?—That was not the case.

42. *Mr. Dignan.*] Did you receive the usual summons from the Clerk for your attendance in Court that day?—I believe the Clerk of the Court asked me to attend that day. It has often happened in the Auckland Court that they could not get Justices easily.

43. *Mr. Swanson.*] Would you tell me whether it was in consequence of the boy having been up there frequently for the same crime or other crimes that he got a month, and the other boy twenty-four hours?—He had been up before for the same thing, I understand.

44. Are you quite sure he had ever been up before for that or any other thing?—That was stated in Court.

45. Was it given in evidence by the police that he had been up before?—It was brought out in Court.

46. At least once?—At least once.

47. Was it for the same thing, or for another offence?—It was mixed up with Roth about the same thing.

48. Will you be kind enough to tell us where we will find any law declaring that he did commit an offence at all?—I do not think there can be any doubt but that there is a law with regard to apprentices.

49. Where can we find it?—I am not a lawyer, and cannot tell exactly the laws of the country; but I see in a paper that in London lately an apprentice got ten days' imprisonment for disobeying orders.

50. You say the law was quite clear, and you could not do anything else. Would you be kind enough to tell us what law?—I really cannot point out the law.

51. Supposing you were to come here to-morrow, could you then tell us?—I might. I would ask a lawyer about it, who would be able to tell me what the apprentice laws were. A Justice of the Peace is not a lawyer, or supposed to know all the laws. He is supposed to do his duty to the best of his knowledge and ability.

52. Do I understand you to contend there is such a law, and that you did justice in the matter?—I understood there was a law.

53. Did you receive notice from the Government that there was no such law, and that the conviction was bad?—Yes, that the conviction was illegal.

54. Did you believe the Government when they told you that you had done a wrong thing?—Of course, when lawyers said we were wrong I suppose we were.

55. Have you or any of the other Justices taken any steps to make restitution for having put him in prison for a month?—It is not a wilfully wrongful act; it may be an error.