

1881.

NEW ZEALAND.

POLICE PROSECUTIONS IN CRIMINAL CASES
(CORRESPONDENCE RESPECTING).*Return to an Order of the House of Representatives, dated 25th August, 1881.*

"That the correspondence between the Government (settlers at Gisborne and the mover relative to police prosecutions in criminal cases) be laid before this House, and ordered to be printed."—(*Mr. De Lantour.*)

No. 1.

Mr. TUCKER to the Hon. the MINISTER of JUSTICE.

SIR,—

Gisborne, 20th December, 1880.

I have the honor to inform you that, about a year ago, a solicitor here named E. ff. Ward, jun., was prosecuted for the forgery of the signature of the late Dr. Nesbitt, as Trust Commissioner to a deed, under such circumstances as left no doubt in the minds of a majority of the public that a forgery had been committed by some one, and that the deed had been uttered, by placing on the register, by E. ff. Ward.

The charge of forgery was, after a very protracted hearing, dismissed by Mr. Price—a Magistrate who boasts that he never commits but a conviction ensues—but in his remarks at the close of the case on the shuffling and abortive attempts to avoid producing the deed in evidence, he said very significantly to the counsel for the defence, "You must be responsible for the production of the deed, as the police will probably require it;" and the counsel for the defence undertook, in reply, that the police should have it when they required it.

That same day I was informed by Sergeant Kidd, in charge of the police here, that the police were satisfied that a forgery had been committed, and that they would immediately prosecute the utterer, and so discover, if possible, the forger; and, as the detection of crime appeared to me to be one of the functions of the police, I interfered in no way, but rested satisfied that justice would be done. So alarmed were the suspected persons that the police would proceed in an investigation of the crime, that E. ff. Ward, jun., personally threatened Sergeant Kidd, and, in the extremity of his trepidation, so far forgot himself as to address a letter to Mr. Price on the subject, deprecating any further inquiry into the matter, which letter Mr. Price very properly declined to treat as private, and read it from the Bench the next day.

Permit me, for one moment, to institute a parallel. Let us change the social position of the criminals. May I ask you to imagine Bill Sykes suggesting to the Police Magistrate that the police are always dogging him about, and that he wishes the propriety would be seen of issuing instructions to drop any further steps as regards that last crime of which he was suspected. Really the cases are exactly on all fours. The Wards, perceiving that they cannot affect Mr. Price, through the father, appeal by a letter marked, "Private and confidential," to Mr. Shearman, a person having some authority over the police. He, I am informed, is so far affected by Mr. Ward senior's letter that he, without obtaining any report on the case by the police here, peremptorily instructs, either directly or through Colonel Reader, the police here to take no steps in the matter, and the crime remains to this day a palpable forgery, and the police paralyzed in their first movement towards its detection.

It may be argued, If one think a forgery has been committed let him lay an information. That is very well; but, as we pay police, it is only fair to expect *them* to be custodians of the public interest, and the direct means of punishing crime. It is quite time when the police are of the opinion that no crime has been committed, and that there is nothing to punish, for a civilian to undertake their duties. I have every reason to believe that the police, both here and in Napier, are of the clear opinion that both forgery and uttering have been committed, and that they could put their hands on both the forger and the utterer; but, as I have said, they were paralyzed.

I would now ask you, Sir, most respectfully, and as one probably unacquainted with the wheels within wheels which were exerted and set in motion to shield a criminal, whoever he may be, from detection, whether the local police are not the best judges as to whether they should or not attempt to bring an offender to justice; and, if they are no longer fitted to judge in so simple a matter, if they should not be renovated, or changed, or educated until they are. I would most respectfully submit to you, Sir, that, if persons in any capacity—aye, even Ministers themselves, except in the most open manner and for the most obvious reasons—are allowed on the receipt of private or public letters from the relatives of the criminals to arrest the strong arm of the law, and shield the wrong-doer from even inquiry, then we are in a most unsafe and even dangerous position; for the same hand which for fear,