

1881.

NEW ZEALAND.

NIGHT SITTINGS OF RESIDENT MAGISTRATE'S
COURT, KUMARA

(CORRESPONDENCE RELATING TO).

Return to an Order of the House of Representatives, dated 26th August, 1881.

"That there be laid upon the table copies of all correspondence received by the Government from the Warden and others at Kumara, relating to the opening of the Resident Magistrate's and Warden's Court at that place, at 8 o'clock at night, together with all letters and telegrams sent by Government to the said Warden."—(*Mr. Finn.*)

No. 1.

The UNDER-SECRETARY of JUSTICE to the RESIDENT MAGISTRATE, Kumara.

SIR,—

Department of Justice, Wellington, 5th August, 1881.

I have the honor, by direction of Mr. Dick, to enclose extracts from the *Kumara Times*, from which it appears that you have been holding Courts out of the usual hours, and to inquire whether such is the case, and, if it is, what were the special circumstances which necessitated your doing so.

I have, &c.,

R. G. FOUNTAIN,
Under-Secretary

The Resident Magistrate, Kumara.

No. 2.

MESSRS. STRATFORD, O'HAGAN, and CAMPBELL to the Hon. the MINISTER of JUSTICE.

SIR,—

Kumara, 15th August, 1881.

In reply to your letter No. 1,174, of the 5th instant, we heard the cases referred to in the *Kumara Times* extract (20th July) on the 19th ultimo, at a late hour, under special circumstances, viz., that the charges were for indecent assault upon young girls of thirteen and fourteen years of age against a married man with children of his own. The reports had aroused the indignation and excitement of the inhabitants to such a degree that we deemed it advisable to choose a time when there were likely to be fewer people about. We commenced at 8 p.m., under the impression that the cases would last about two hours. All the witnesses were children of twelve, fourteen, and fifteen years of age, who, with their mothers, were provided with chairs in a comfortable, warm room, with a fire in it, in the Courthouse. The informant and the accused were represented by counsel. Although the Courthouse doors were locked, the Court-yard was thronged with persons up to about 10 p.m., when they gradually dispersed. As the cases proceeded, counsel on both sides expressed a wish on behalf of their clients that we should continue, as all the witnesses were at hand, and delay of any sort was inexpedient, especially as the accused was a prisoner, and had his daughters present to give evidence for their father.

The circumstances were peculiar and exceptional, and we adopted measures accordingly which we thought to be the wisest, and in which opinion the parents of the children, the accused, and counsel on both sides cordially agree.

Beyond choosing the hour of 8 to commence proceedings, for reasons already given, all other things were done on the motion of the parties interested, and with the full concurrence of the other side. We three Justices were on the bench at the time, and were unanimous in our course of proceedings.

We have, &c.,

H. A. STRATFORD, R.M.
JNO. O'HAGAN, J.P.
A. C. CAMPBELL, J.P.The Under-Secretary, Department of Justice,
Wellington.