

of the cask of pork having left the vessel full, access to the contents was obtained by the crude operation of chopping a hole in the belly of the cask. The keg of butter could only have been one of a number contained in a larger cask. One of the coils of whale line was identified as certainly having been taken off the ship.

The complaint of being "given in charge" I deny to have been other or greater than the necessary precautions provided in "The Justices of the Peace Act, 1866," clause 19; and, having examined the constable on this point, he states that he understood his instructions to be that he was to prevent intercourse betwixt the defendant and his witnesses.

My emphatic answer to the charge of injustice is, that the offender suffered no injustice, and was told in delivering judgment that he might consider himself very fortunate in the proceedings having taken so mild a form; that the Bench considered the offence one of great gravity, and under a different process would have subjected him to much more serious consequences: he might possibly think he had a right to retain the goods, but ought to have known better ("Known better!" ejaculated the offender.) The Bench therefore inflicted the highest penalty provided by the Act under which the proceedings were taken.

The charge for deficiency was calculated on packages actually recovered, for the missing portions of which he was clearly accountable. The paltry allusion to 5s. charge for freight was expense incurred by the constable in discharge of his duty.

A significant incident arising out of this matter is the case of a Native who took out a summons against one of Subritzky's sons for the recovery of the sum of £5 for the use of a canoe at the wreck. This Native was cajoled into the belief that his case would be satisfactorily settled without his appearance, who was consequently mulcted in expense.

In answer to Mr. Subritzky's boasted innocence, I have obtained a summary of cases in which he has appeared as plaintiff or defendant before the Resident Magistrate's or Petty Sessions Courts holden at Mangonui since the 8th day of April, 1879. The cases are eighteen in number, in one of which he stands charged with violent assault, and in a second case of assault he appears in a very equivocal position as plaintiff.

The goods recovered form but a small part of the plunder which was committed, and I am apprehensive that the officers of the Court are not free from blame for laxity and delay, as well as for the manner in which the proceedings were initiated. No copy of "The Shipping Act, 1877," was found to be in the Court on the occasion of the hearing. Under that Act the case should, in my opinion, have been initiated and conducted.

Waiting the result of your deliberations,

I have, &c.,

THOS. BALL.

The Hon. the Minister of Justice, Wellington.

No. 5.

INFORMATION laid by Constable HUTCHISON.

THE information of Joshua Hutchison, constable, in the District of Mangonui, who cometh before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony of New Zealand, this 25th day of April, 1881, and informeth me upon oath that he hath just cause to suspect, and doth suspect, that John Anton Subritzky, of Awanui, within the space of one month last past, to wit, on or about the 10th day of April, 1881, at Awanui, in the colony aforesaid, unlawfully had in his possession certain goods—that is to say, 1 full tub of whale-line, 1 half-tub of whale-line, 1 cask of butter containing 5 kegs, 1 case of whale-line containing 3 coils, 1 boat-sail, and a quantity of salt pork—belonging to a certain vessel cast on shore at Awanui Heads, in the Colony of New Zealand, contrary to the form of the statute in such case made and provided.

JOSHUA HUTCHISON.

Taken and sworn before me on the day and year first above written, at Mangonui, in the provincial district aforesaid.

ROBERT WYLES, J.P.

No. 6.

SEARCH WARRANT.

To *Joshua Hutchison*, Constable.

WHEREAS it appears to me, Robert Wyles, Esquire, Justice of the Peace, at Mangonui, by the information on oath of Joshua Hutchison, constable, of Mangonui, in the colony aforesaid, that he hath probable cause to suspect that the following goods—to wit, 1 full tub of whale-line, 1 half-tub of whale-line, 1 cask of butter containing 5 kegs, 1 case whale-line containing 3 coils, 1 boat-sail, and a quantity of salt pork—have, within the month of April, 1881, been feloniously stolen, taken, and carried away at Awanui, in the colony aforesaid, and that the said Joshua Hutchison hath probable cause to suspect and doth suspect that the said goods or part thereof are concealed in the dwelling-house in the occupation of John Anton Subritzky, situate at Awanui, in the said colony: This is therefore to authorize and require you, in Her Majesty's name, forthwith, with necessary and proper assistants, to enter in the daytime in the said dwelling-house in the occupation of the said John Anton Subritzky, and there diligently to search for the said goods; and, if the same or any part thereof shall be found upon such search, that you bring the said goods so found before me, to be disposed of and dealt with according to law.

Given under my hand at Mangonui, in the said colony, the 25th day of April, 1881.

ROBERT WYLES, J.P.