

Mr. Williams in his report adverts to the delay, and regrets that he was not earlier made acquainted with the sad occurrence; and it is difficult to account for the circumstance of its being first referred to the Government instead of the Civil Commissioner or the Resident Magistrate of the Hundred.

The report enters so fully into the case that I shall only trouble the Government with a few general remarks upon it, with no intention of extenuating the vile conduct of the Maori, but to point out some of the difficulties connected with the settlement of these matters.

Although by an "Act to amend an Act No. 40" the Magistrates are allowed to inflict a fine without imprisonment, the Resident Magistrate felt it his duty in this case at first to demand the surrender of the culprit for trial by the Supreme Court; and although the Native Assessors and Wardens offered to take him by force if the Magistrate insisted upon it, he thought it better to resort to the milder course than to embroil the district—for such would have been the inevitable result.

The Prosecutor was so well aware of the facts that he acknowledged himself perfectly satisfied with the decision of the Court.

In addition to the infliction of the fine, the Chiefs agreed to banish the offender from his place and the vicinity of Mr. Stephenson's, and offered to become responsible for his conduct in future, and in the event of a repetition of the offence to give him up to the authorities.

The father of the culprit is an intelligent and well-disposed Native connected with most of the principal men of this district, who assisted him in furnishing the fine, and were anxious to do all in their power to make reparation except giving up the youth for imprisonment.

It is to be regretted that the Natives do not look upon the crime with the same abhorrence with which Europeans view it; they do not attach moral degradation with its committal.

This low estimation of this and similar offences is greatly increased by the immorality of many of our own countrymen. Many cases of wanton outrage upon native females are by white men compromised by pecuniary compensation, thus estimating morality and female purity by a monetary standard.

After the serious and very proper manner in which this case has been taken up, the Government must be prepared to hear that the natives will be more particular when in future outrages are committed upon their females by Europeans; and it will often be a difficult matter to convince them of the difference between compulsion and consent in such cases.

I have, &c.,
GEORGE CLARKE,
Civil Commissioner.

The Honorable the Native Minister,
Auckland.

Enclosure in No. 3.

THE RESIDENT MAGISTRATE, WAIMATE, TO THE CIVIL COMMISSIONER, WAIMATE.

Resident Magistrate's Office,
Waimate, 5th October, 1863.

SIR,—

In order to meet any exaggerated statements which may be circulated or appear in print respecting a case of a serious nature which has lately occurred in the neighbourhood of Mataure, a native village on the coast within the Hundred of Waimate, from which place I returned on the 3rd instant, I take the earliest opportunity of transmitting for the information of the Government the following particulars relative thereto.

On the 14th September, Mr. Stephenson, of Waiaua, called at my residence informing me that on the 25th August, a native youth of the name of Hohepa Whare had made an assault with intent upon one of his daughters, but without succeeding in his base design. I immediately wrote to the Assessors of the place appointing the 16th of September as the day for holding a special court upon this case. Unfortunately I was prevented by sickness from keeping my appointment, being unable to undertake the journey until the 23rd, when I arrived at Mataure, and with several of the Assessors, held a Court on the following day. The evidence produced was conclusive, the Court unanimously agreeing that the youth was guilty of the charge brought against him. I explained to the Assessors that the penalty inflicted by the law on a European in such a case would be imprisonment, and that I expected they would assist me in carrying the law by endeavouring to have the youth given up. They admitted the justice of doing so, but expressed a desire to meet the tribe, and discuss the question publicly. This I agreed to, and a discussion followed, which continued throughout the night, the whole tribe declaring their determination not to give him up, qualifying this statement by saying that had it been a case of murder no objection should have been raised. Every argument which could be made use of was brought forward to induce them to give in, but without avail. They expressed a willingness to pay for the crime, even begging me to receive it, but stating at the same time that they would not give up the youth, being ignorant that such crime was punishable by imprisonment; that many cases had occurred in which Native women had been roughly handled by Europeans when no imprisonment had been inflicted. The case of Mr.