

These observations will I trust cause such measures to be adopted as will prevent future occurrences of a similar nature, and I am convinced an armed smart cutter under the command of an energetic master would put a stop to these proceedings.

I have, &c.,

THOS. BATEMAN,

Sub-Collector.

The Collector H.M. Customs, Auckland.

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Enclosure 4 to No. 5.

The SUB-COLLECTOR OF CUSTOMS, Russell, to the COLLECTOR OF CUSTOMS, Auckland.

SIR,—

Custom House, Russell, 21st February, 1860.

Having perceived in the office books a record of a Report from the late Sub-Collector at this port to you, dated the 19th May, 1857, relative to the illegal unshipping of Gunpowder from the "E. Corning," United States whaler, and that vessel being now in port, I sought for and obtained the necessary evidence.

The case was heard this day before the Resident Magistrate, and the master, Francis Rotch, mulcted in the penalty of one hundred pounds, under the Customs Ordinance, 4th Victoriae, No. 3, which was in force at the time.

The fine has been paid, and is now in the Customs' chest.

I enclose copies of the depositions taken in the case, and beg to draw your attention to the discrepancies between the evidence of the pilot, Mr. Edward Bolger, and the other witnesses, relative to the time he quitted the vessel, and the fact of a whale-boat, manned by Natives, being alongside while he was on board.

As there were some points of law involved in the case on which I did not feel myself competent to decide, I thought it better to employ a solicitor, and beg now to enclose his account.

I have, &c.,

GEORGE M. MITFORD,

Sub-Collector.

The Collector of Customs, Auckland.

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