

No. 12.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to
His Grace the Duke of BUCKINGHAM.

(No. 127.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 8th December, 1868.

With reference to your Grace's Despatch No. 45, of the 19th July, 1867, I am requested by my Responsible Advisers to forward the enclosed Memorandum and other documents.

I have, &c.,
His Grace the Duke of Buckingham and Chandos. G. F. BOWEN.

Enclosure in No. 12.

MEMORANDUM by Mr. STAFFORD.

Wellington, 7th December, 1868.

WITH reference to the subject of the Despatch from His Grace the Duke of Buckingham and Chandos, No. 45, of the 19th July, 1867, Mr. Stafford has the honor to submit the accompanying correspondence, for transmission to Her Majesty's Principal Secretary of State for the Colonies.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosures to Enclosure in No. 12.

CIRCULAR TO JUDGES.

Colonial Secretary's Office (Judicial Branch),
Wellington, 1st July, 1868.

SIR,—

I have the honor to forward to you herewith a copy of a Despatch, No. 45, dated 19th July, 1867, received from Her Majesty's Principal Secretary of State for the Colonies, relative to a proposal to extend the provisions of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, to all cases of misdemeanour; and, in accordance with the request of His Grace the Duke of Buckingham and Chandos, to invite your Honor to an expression of the views entertained by you on the subject, in order that the same may be communicated to the Imperial Government.

I have, &c.,
E. W. STAFFORD.

Judge GRESSON to the Hon. the E. W. STAFFORD.

Judge's Chambers, Christchurch, 11th July, 1868.

SIR,—

No. 776.
L. & J. 68-2017.
July 1, 1868.

I have the honor to acknowledge the receipt of your letter, of number and date in margin, forwarding to me a copy of Despatch No. 45, dated 19th July, 1867, received from Her Majesty's Principal Secretary of State for the Colonies, relative to a proposal to extend the provisions of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, to all cases of misdemeanour; and inviting me to express my views on the subject, in order that they may be communicated to the Imperial Government.

In accordance with the request contained in your letter, I beg leave to state that I am of opinion that it would be expedient to extend the Imperial Acts above mentioned to the large class of misdemeanours referred to by His Grace the Duke of Buckingham and Chandos, viz., those closely bordering on felony, but that it is neither necessary or expedient to extend them to all misdemeanours.

With regard to the second suggestion contained in the Despatch, viz., whether the object of the Colonists might not be better attained by following the precedent of many English Acts, and making the offender liable to be tried either in the place in which the offence was committed, or in the place where he is apprehended or in custody, it appears to me that the object would not be generally attained by such a course, solely by reason of the difficulty, expense, and delay of procuring witnesses to sustain the case for the prosecution. But for this objection, I am disposed to think that the object might be best attained by adopting the latter suggestion.

The Hon. the Colonial Secretary (Judicial Branch),
Wellington.

I have, &c.,
H. R. GRESSON.

Judge JOHNSTON to the Hon. E. W. STAFFORD.

Judge's Chambers, Wellington, 17th July, 1868.

SIR,—

I have the honour to acknowledge the receipt of your letter of the 1st July (received on my return from Nelson), with which you forward a copy of a Despatch No. 45, dated 19th July, 1867, received from Her Majesty's Principal Secretary of State for the Colonies, relative to a proposal to extend the provisions of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, to all cases of misdemeanours, and in which you invite me, in accordance with the request of His Grace the Duke of Buckingham and Chandos, to an expression of the views which I entertain on the subject, in order that the same may be communicated to the Imperial Government.

In answer to your invitation, I have the honour to state, in the first place, that I learn from the perusal of your letter and the accompanying Despatches, for the first time, that a conference had taken place at Melbourne on the subject in question, that the Colony of New Zealand had been represented thereat, and that a desire had been expressed by the representatives of New Zealand, as well as those