

Acts in question being so defective, no proceedings have in any instance been taken under them. In the first place, we have no resident Judge to indorse a warrant, as required under the Acts. No arrests for indictable misdemeanours can be made under them, and no authority to remand the accused is given the magistrate, to enable the police to procure additional evidence. In consequence of these defects, the Colonial Foreign Offenders Act of 1863 has been always brought into operation. Under this Act, offenders charged with indictable misdemeanours can be removed to the adjoining Colonies, and a remand not exceeding a month may be given for the production of further evidence. The great difficulty experienced under this Act is to procure the additional evidence within the month. In one instance a prisoner charged with embezzlement in Melbourne was discharged, as the evidence was not forthcoming within the month. Two days after he was discharged the documentary evidence had arrived, and after a long search he was again arrested, and sent back to Victoria. When a steamer leaves immediately after a remand is granted, the additional documentary evidence may reasonably be expected within a month, but at other times two months may elapse before it is forthcoming.

In larceny cases, especially, it is difficult to complete the case even within two months. In those cases generally the offender is only suspected of having committed the offence; he has not been seen to commit it, but he is strongly suspected; a warrant is issued, and a constable despatched; the offender is apprehended, and property answering the description of that stolen found upon him, but the officer cannot swear that that is the property stolen from the prosecutor; the prosecutor alone could prove that. In such a case the constable would have to return to the Colony where the offence was committed, and take the property so found with him, have it identified by the prosecutor, and return with the additional evidence. Three months must at least elapse before the case can be completed. It may be said that if the prosecutor accompanied the officer, this course would be unnecessary; but it usually happens that more evidence is required than the prosecutor alone can give, and when such is the case a long remand is necessary.

A case similar to the above occurred in Melbourne lately. A Mrs. O'Neil, an actress, committed a larceny in this town, and left immediately for Melbourne. A constable was despatched with a warrant for her arrest; she was arrested, and some of the stolen property found upon her, but as the prosecutor alone could prove to the identity of the property, she was discharged, as the magistrate, acting under the Imperial Act of 6 and 7 Victoria, could not grant a remand. The additional evidence necessary in this case was afterwards procured, but when the constable returned to Victoria the offender could not be found.

I have, &c.,

J. BROHAM,

Inspector in charge.

The Chairman of the County Council, Hokitika.

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No. 13.

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

(No. 9.) Government House, Wellington, New Zealand,  
MY LORD DUKE,— 26th January, 1869.

I have the honor, in the terms of the Colonial Regulations, to forward the enclosed documents, which have been placed in my hands for transmission to England. They are:—

- (1.) A Memorandum from the Hon. Dr. Pollen, the Resident Minister at Auckland, dated December 30th, 1868, covering a Petition to the Queen, and a paper annexed to it, adopted at a recent public meeting held in the City of Auckland.
- (2.) A Petition to the Queen from certain Inhabitants of the Province of Southland.
- (3.) A Letter addressed to the Governor of New Zealand by the Superintendent of the Province of Otago.

2. It will be seen that the virtual object of these Memorials is to express the desire entertained by a portion of the population of this Colony (and to which I have already referred on previous occasions), viz., that the existing Constitution should be suspended in the North Island, so that the management of Native Affairs and of the Colonial Forces may be again, as before 1862, placed under the personal control of the Governor, directed by the Secretary of State.

3. I inquired in the usual manner if my Responsible Advisers wished to furnish me with any observations on the above-mentioned documents, for transmission to England with them. It will be seen from the enclosed Memorandum from Mr. Stafford, that "beyond expressing the dissent of Ministers from the opinions expressed by the writers, he has no observations to make on the subject in addition to those already submitted by the Resident Minister at