

through an illegal sentence, and that the Magistrates in this case would be liable to an action. I left him, and he told me to come back in the evening. I did so. When I saw Mr. Rees again he said he was sorry, that Captain Daldy was a friend of his, and he could not therefore go against him. After pleading very hard for Captain Daldy, I said, "Your friend is my son's foe, and as such I shall treat him."

9. Did you take any action in the Court?—Mr. Rees would not take action against the Justices, but did against the master.

10. Did you take any action against the Magistrates?—Not then; Mr. Rees declined to do so. I asked him to take action against the master for malicious prosecution. The cost of it, he said, would be £40. I gave Mr. Rees an order to draw my salary to commence this action. When I returned to Auckland, from the Thames, I found that he had drawn two months' pay, but no steps were taken in the case. It was too late to take action that session. I then went to Mr. Hesketh. He said that among professional men they did not like to interfere with each other, but that if Mr. Rees gave back the money he would take the case. I asked Mr. Rees to return the money. He said he would not; he had done a lot of work, and if I came to his office I would see a great deal of writing.

11. What action did you take in the District Court?—An action for false imprisonment. The Judge decided that, owing to the conviction not being quashed, he was prevented from giving damages.

12. Then I suppose you were nonsuited?—I got a shilling; and the Judge said there was no absconding, and that the lads had been left on the streets through the wickedness of their master.

13. Did you obtain costs?—Yes, £10 3s. 6d.

14. Did you take any further action in the matter?—Mr. Macdonald, on my behalf, entered an action against the Justices, and served them with a writ.

15. What was the result of that? Did it go to trial?—Owing to Mr. Rees not having quashed the conviction, Mr. Macdonald could not go on with the case. This should have been done within six months. That precluded me from going any further with the action against the Justices.

16. What do you wish the Committee to do?—Exactly what they may deem fit. I feel very much on account of my son having been placed among felons, and my having to go there to see him. Mr. Rees neglected to take action to have the conviction quashed in order to save his client; and I have to pay £40 or £50. Mr. Rees was my betrayer more than adviser. He did not advise me rightly what to do.

17. *Mr. Seaton.*] Do you know if anything has been done by the Government?—I never heard of anything being done.

*Hon. Mr. Bowen:* I may say the Government took the opinion of the Law Officers. There was no doubt the conviction was bad, and the Magistrates were so informed.

18. *Hon. Mr. McLean.*] Did Mr. Rees give you notice in time in order to quash the conviction?—No, it was too late to go on with it. The District Judge told me that if the conviction had been quashed, he would have given judgment in my favour. Mr. Rees took my money from me to do it, and never did it. On the 24th May the lads were locked out by their master, and on the 31st I gave Mr. Rees the money to take action, and the case was not decided until November.

19. Instead of coming to the Committee, do you not know you have recourse against Mr. Rees if he does anything out of the way?—I have gone from one to the other; and if the House can tell me what steps to take I shall be only too happy to take them. I saw Mr. Macdonald and Mr. Hesketh, and asked if it was possible to telegraph to the Judge, who was away just then at the South, so as to be within the time for bringing the action. He said the Judge must be present, and the matter be brought before him then.

20. *Mr. Shrimski.*] You come here, I understand, to complain against the Justices?—Yes; my boy was not arrested according to law. He was brought up in Court after being locked up without a warrant having been seen; and he suffered a month's imprisonment at hard labour under what they call the law of liberty. Under slavery he could not have suffered more.

JULY 27TH, 1877.

HONORIA McMANUS recalled.

21. *Mr. Sutton.*] Did you not say that you paid Mr. Rees for professional fees something like £40?—No, I said the case had cost me £40.

22. *Mr. Burns.*] Was your son ever brought before the Police Court on any other occasion but this?—Yes; he wished to get his indenture cancelled. There was another case: By the terms of the indenture my son was to receive no salary during the first year, but, after entering Roth's service, he was offered a shilling a week to work an hour overtime. He worked the daily hour overtime for the year, but at the commencement of the second year, when he was to get 5s. per week, he refused to work overtime because he was going to a night-school. The master changed the indenture—forged it—to insert another hour's work. This was an interlineation, there being no room in the body of the indenture. After that, Roth told the boy to take a piece of timber somewhere up Queen Street, on a barrow; he said he would carry it on his shoulder, and did so. For this the master summoned him; the case was dismissed, and the Bench gave Roth a great caution, and advised the lad. For this and ill-treatment the boy tried to get the indenture cancelled, but the Magistrate would not cancel the indenture unless I was there to request it. I could not be present; had I been, the indenture would have been cancelled then.

23. *Mr. Dignan.*] You say Mr. Macdonald informed you that the conviction of your son was not recorded in the Court at Auckland?—Yes; the record was in Captain Daldy's possession; and he (Mr. Macdonald) had some trouble to get it, days afterwards.

MR. CHARLES O'NEILL, J.P., C.E., examined.

24. *The Chairman.*] It appears from the evidence, Mr. O'Neill, that you were one of the presiding Justices in this case?—Yes, I was one of the Justices.

25. Would you like to make any statement to the Committee with respect to the reason why you convicted the boy on that occasion?—The case was brought before the Court by Mr. Roth in the usual