

Allow me to hope that you will see your way to authorize Mr. Inspector Scully to prosecute Mr. Ward if he is satisfied that he has been guilty of a crime against the Natives for his own personal benefit.

The Hon. the Minister of Justice, Wellington.

I have, &c.,

C. A. DE LAUTOUR.

No. 16.

The Hon. Mr. ROLLESTON to Mr. DE LAUTOUR.

SIR,—

Wellington, 27th July, 1881.

Your letter of the 25th June, addressed to the Hon. the Minister of Justice, regarding the case of Mr. E. ff. Ward, jun., against whom proceedings have been taken at Gisborne, first for forging a signature to a deed, and then for uttering the deed knowing that signature to be a forgery, has been considered very carefully.

2. In that letter you state fully your reasons for urging the Government to reconsider their decision not to intervene as prosecutor of Mr. Ward on the charge of uttering the deed, and why the officer of police in charge of the district should be allowed to prosecute should he think the evidence to warrant the belief that the offence alleged against Mr. Ward has been committed.

3. A review of all the facts at the command of the Government has led them to the conclusion that they ought not to give up the position that, the first prosecution having been a private one, the Government ought not now to interfere.

4. I cannot see upon the face of the papers any evidence that the police commenced any proceedings in the case. The letter of Mr. Tucker dated the 10th June, 1880, in which he stated that if the police did not prosecute on the forgery charge, he would do so on behalf of the Natives interested, was, it seems to me, fairly regarded as a distinct undertaking on Mr. Tucker's part to become the prosecutor. The system of criminal prosecutions in New Zealand allows a private prosecutor to take proceedings the costs of which shall be defrayed by the colony; but when this has been done, and failure has resulted, it appears to me to be unreasonable to expect the Government to step in and take the onus of fresh proceedings.

5. I need not, I think, combat views put forward in support of your contention, with which I do agree, nor will I enter upon the question to what extent proceedings that have been taken tend to show that a grave crime has been committed. It seems to me, as I have said, that the Government have not taken the position of prosecutors in the matter; that those who are privately interested are in every way capable of continuing the prosecution commenced by them, should they now be so advised; and that it is no part of the duty of the Government so to act as to enable those persons to escape possible consequences should the second prosecution also fail. All such aid as the police in the ordinary course of duty may be able to give in collecting evidence or otherwise will, it is to be assumed, be readily given; but, for the reasons I have stated, the Government cannot recede from their decision that those who were or might have been sufferers from the alleged crime must initiate, and be responsible for, any further proceedings.

I have, &c.,

C. A. De Lautour, Esq., M.H.R.

W ROLLESTON.

No. 17

Mr. WARD to the Hon. the MINISTER of JUSTICE.

SIR,—

Wellington Club, Wellington, 9th August, 1881.

I have the honor to inform you that it has come to my knowledge of certain correspondence having passed between the New Zealand Government and persons resident in Gisborne regarding an information laid against me by Riperata Kahutia, a Native woman, for whom William Henry Tucker, Native interpreter, a Justice of the Peace, and clerk to one William Lee Rees, acts as agent, charging me with having forged the signature of a Trust Commissioner (Dr. Nesbitt) to a deed affecting portion of the Matawhero B Block, situate in the District of Poverty Bay, since purchased by Mr. W. L. Rees and Riperata Kahutia from the trustees of the late Captain Read's will, which property is now in the occupation of Mr. Rees.

I have to ask permission to see and peruse the correspondence and papers which are in the possession of the Government respecting the charge referred to.

I may mention the charge as made against me, about eighteen months ago, was duly heard, and, after a long and patient hearing, dismissed by Mr. Price, R.M., a gentleman of long experience and capable of fully understanding the nature of the charge, upon dismissing which he made some forcible remarks anything but favourable to the witnesses called for the prosecution.

The Courts of law are opened to the persons referred to, and I do not think it fair to any person that he should be attacked by way of letters and misrepresentations to the Government.

I have therefore respectfully to ask your permission to see the papers, &c.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

EDWARD FRAS. WARD, jun.

No. 18.

Mr. DE LAUTOUR to the Hon. Mr. ROLLESTON.

SIR,—

Wellington, 8th August, 1881.

I do not purpose to continue the correspondence relative to the refusal of the Government, after full inquiry, to allow the police to proceed with the prosecution of Mr. E. ff. Ward, jun., for an alleged uttering of a deed knowing it to be forged. At the same time, I cannot admit that in your letter of the 27th July you have stated the facts with strict accuracy.