

1881.

NEW ZEALAND.

NIGHT SITTINGS OF RESIDENT MAGISTRATE'S
COURT, KUMARA

(CORRESPONDENCE RELATING TO).

Return to an Order of the House of Representatives, dated 26th August, 1881.

"That there be laid upon the table copies of all correspondence received by the Government from the Warden and others at Kumara, relating to the opening of the Resident Magistrate's and Warden's Court at that place, at 8 o'clock at night, together with all letters and telegrams sent by Government to the said Warden."—(Mr. Finn.)

No. 1.

The UNDER-SECRETARY of JUSTICE to the RESIDENT MAGISTRATE, Kumara.

SIR,—

Department of Justice, Wellington, 5th August, 1881.

I have the honor, by direction of Mr. Dick, to enclose extracts from the *Kumara Times*, from which it appears that you have been holding Courts out of the usual hours, and to inquire whether such is the case, and, if it is, what were the special circumstances which necessitated your doing so.

I have, &c.,

R. G. FOUNTAIN,
Under-Secretary

The Resident Magistrate, Kumara.

No. 2.

MESSRS. STRATFORD, O'HAGAN, and CAMPBELL to the Hon. the MINISTER of JUSTICE.

SIR,—

Kumara, 15th August, 1881.

In reply to your letter No. 1,174, of the 5th instant, we heard the cases referred to in the *Kumara Times* extract (20th July) on the 19th ultimo, at a late hour, under special circumstances, viz., that the charges were for indecent assault upon young girls of thirteen and fourteen years of age against a married man with children of his own. The reports had aroused the indignation and excitement of the inhabitants to such a degree that we deemed it advisable to choose a time when there were likely to be fewer people about. We commenced at 8 p.m., under the impression that the cases would last about two hours. All the witnesses were children of twelve, fourteen, and fifteen years of age, who, with their mothers, were provided with chairs in a comfortable, warm room, with a fire in it, in the Courthouse. The informant and the accused were represented by counsel. Although the Courthouse doors were locked, the Court-yard was thronged with persons up to about 10 p.m., when they gradually dispersed. As the cases proceeded, counsel on both sides expressed a wish on behalf of their clients that we should continue, as all the witnesses were at hand, and delay of any sort was inexpedient, especially as the accused was a prisoner, and had his daughters present to give evidence for their father.

The circumstances were peculiar and exceptional, and we adopted measures accordingly which we thought to be the wisest, and in which opinion the parents of the children, the accused, and counsel on both sides cordially agree.

Beyond choosing the hour of 8 to commence proceedings, for reasons already given, all other things were done on the motion of the parties interested, and with the full concurrence of the other side. We three Justices were on the bench at the time, and were unanimous in our course of proceedings.

We have, &c.,

H. A. STRATFORD, R.M.
JNO. O'HAGAN, J.P.
A. C. CAMPBELL, J.P.The Under-Secretary, Department of Justice,
Wellington.

No. 3.

The WARDEN Kumara, to the UNDER-SECRETARY of JUSTICE.

SIR,—

Warden's Office, Kumara, 15th August, 1881.

In reply to your letter No. 1,174, of the 5th instant, as far as regards my duties as a Warden, and the extracts from the *Kumara Times* of the 25th and 26th July the statements in that paper, I believe, are correct. I sometimes hold Courts and conduct business at night for the convenience of the miners and the solicitors who visit this town to conduct cases for their clients. It is entirely optional with the former whether their applications, &c., are set down for hearing at evening instead of morning; and, in cases on complaint, they are only heard at night with the consent of the parties concerned. The arrangement is a boon to the miners, who thus do not lose their working day. As far as I am personally concerned, I have no objection to working at night as long as it serves the public, as it often prevents the necessity of my remaining the part of a third day, which is a serious item in a Warden's time, and an extra expense to the Government. My letter to Mr. Barton, and his reply, I attach, as throwing more light on the matter.

I have, &c.,

H. A. STRATFORD,

Warden.

The Under-Secretary of Justice, Wellington.

Enclosure 1 in No. 3.

Mr. STRATFORD to Mr. W. A. BARTON.

SIR,—

Warden's Office, Greymouth, 13th August, 1881.

Will you be good enough to state shortly what instructions you received from me as to the transaction of business at night.

1. Has there at any time been made a complaint by interested persons as to this arrangement?
2. Has it been found to be a boon or a burden to the mining community?
3. Is the arrangement generally favourably received?
4. Did not my predecessor, Warden Mackay, frequently hold his Courts at Kumara up to late hours at night (say what hour); and, if so, did his doing so ever to your knowledge draw forth any adverse criticism?

I have, &c.,

H. A. STRATFORD,

Warden.

W. A. Barton, Esq.,

Clerk to Warden's Court, Kumara.

Enclosure 2 in No. 3.

Mr. BARTON to Mr. STRATFORD.

SIR,—

Warden's Office, Kumara, 15th August, 1881.

In reply to your letter of the 13th instant, asking me what instructions I received from you relative to the transaction of Court business at night, I have the honor to state that my instructions from you were only to set down business for hearing at night where I could satisfy myself that by so doing it would be a convenience to the persons interested.

With reference to paragraph No. 1 of your letter, I have never heard any complaint by interested persons against business being made for hearing at night.

Paragraph No. 2: I believe it has been a very great boon to miners generally

Paragraph No. 3: The arrangement is generally favourably received, and I believe that if the present arrangement is discontinued it will be a great loss to the mining community

Paragraph No. 4: Mr. Warden Mackay frequently held Courts up till 11 and 12 o'clock at night, and, on one occasion, as late as a quarter past 2 o'clock in the morning; and I am not aware that this his so doing ever drew forth adverse criticism.

I have, &c.,

W. A. BARTON,

Clerk, Warden's Court.

H. A. Stratford, Esq., Warden, Greymouth.

No. 4.

Mr. FINN, M.H.R., to the Hon. the MINISTER of JUSTICE.

SIR,—

House of Representatives, 16th August, 1881.

I have the honor of enclosing herewith, for your information, extracts from the *Grey River Argus* of the 10th instant, forwarded to me from Kumara, having reference to a question put by me to you in the House of Representatives on the 5th instant, and other matters.

I have, &c.,

HUGH J. FINN

The Hon. the Minister of Justice, Wellington.

(For enclosure see *Grey River Argus*, of 10th August, 1881.)

No. 5.

The UNDER-SECRETARY of JUSTICE to Mr. STRATFORD, R.M.

(Telegram.)

Wellington, 22nd August, 1881.

ARE Courts still being held at night at Kumara, commencing at 8 o'clock? Did Mr. Mackay begin his Courts at Kumara at that hour?

H. A. Stratford, Esq., R.M., Greymouth.

R. G. FOUNTAIN.

No. 6.

Mr. STRATFORD, R.M., to the UNDER-SECRETARY of JUSTICE.

(Telegram.)

Greymouth, 23rd August, 1881.

THE Kumara Courts are still held at 8 p.m., when parties desire it. I am not aware if Mr. Mackay commenced his Court at that hour

The Under-Secretary of Justice, Wellington.

H. A. STRATFORD, R.M.

No. 7

The UNDER-SECRETARY of JUSTICE to the CLERK, Resident Magistrate's Court, Kumara.

(Telegram.)

Wellington, 24th August, 1881.

As it is alleged that Mr. Mackay held Courts at Kumara at night, as Mr Stratford does at present, it is desired to be known whether such Courts commenced at 8 o'clock.

The Clerk, Resident Magistrate's Court, Kumara.

R. G. FOUNTAIN

No. 8.

The CLERK, Resident Magistrate's Court, Kumara, to the UNDER-SECRETARY of JUSTICE.

(Telegram.)

Kumara, 24th August, 1881.

MR. MACKAY never commenced his Courts later than 3 o'clock in the afternoon, but he frequently sat from that time to as late as 12 o'clock midnight, and on one occasion up to half-past 2 a.m.

W A. BARTON,

The Under-Secretary of Justice, Wellington.

Clerk of Court.

No. 9.

The UNDER-SECRETARY of JUSTICE to Mr. STRATFORD, R.M.

(Telegram.)

Wellington, 25th August, 1881.

Re your letter 15th August: Kumara Courts must be held during the day If necessity arises they may be carried on, but must be begun in the day-time and not at night as hitherto. As to other question of evidence of young girls taken throughout the night, the matter will receive further consideration.

The Resident Magistrate, Greymouth.

R. G. FOUNTAIN

