

No. 9.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 77.)

MY LORD,—

Government House, Wellington, 6th October, 1883.

I have the honour to forward herewith a petition from Mr. William George Garrard, of Auckland, complaining of his arrest and detention in custody at the hands of Thomas Cotter, Esq., acting as Returning Officer for the Colony of New Zealand, and praying that his petition may be laid before Her Majesty's Ministers, and that such relief may be granted as your Lordship may deem right. Reply,
A.-2, No. 20.

2. I have caused inquiries to be made into the facts of the case, and find that Mr. Garrard was prosecuted by the Registrar of Electors at Auckland, the charge being that he handed in a paper, witnessed by himself, purporting to be signed by a man who had in fact not signed it, and who did not possess the qualifications necessary for an elector in the district, claiming to be placed on the electoral roll.

3. The indictment was held by the Judge to be bad on a technical point, and Garrard was discharged. He then brought an action against the Registrar of Electors, claiming £500 damages, but judgment was given against him. Mr. Garrard subsequently issued another writ against the Registrar, but it was set aside, with costs. He has also petitioned the Legislature, but his petition was reported against by the Public Petitions Committee.

I have, &c.

WM. F. DRUMMOND JERVOIS.

The Right Hon. the Earl of Derby.

Enclosure.

To the Right Hon. the SECRETARY of STATE.

THE humble petition of William George Garrard, of the City of Auckland, Provincial District of Auckland, and Colony of New Zealand, settler, humbly sheweth,—

1. That your petitioner is a true and loyal subject to Our Most Gracious Majesty Queen Victoria.
2. That your petitioner served in the Crimean War of 1853 to 1856 as an able seaman and petty officer in Her Majesty's ship "Terrible," Captain James McCleverty being in command, for which your petitioner received the Queen's honours.
3. That your petitioner served in the Indian Mutiny in the years 1856 to 1857, under Commodore Watson, "Jessipike," frigate; also received the Queen's honours.
4. That your petitioner has also received the New Zealand medal during the war of the Waikato.
5. That I have resided in the Colony of New Zealand more or less for nearly twenty years.
6. That your petitioner claimed the right on the premises set forth to stand as a candidate, being an elector for the district, and eligible as required by law, and notified such to the public in general.
7. That your petitioner was, at the hands of one Thomas Cotter, Esq., acting as a Returning Officer for the Colony of New Zealand, arrested, detained in custody until bail could be found. (Copies attached.)
8. That your petitioner was committed for trial.
9. That one of Her Majesty's Judges directed the jury to dismiss the case, as there was no charge to uphold the indictment in law, which was dismissed.
10. That your petitioner prayed the Colonial Government of New Zealand for redress, and has not received justice or redress for such false imprisonment, damage to character, loss of health, and heavy loss in costs, besides loss of time, besides the degradation to his wife and child, to which your petitioner has been subjected, and the ridicule he has suffered.
11. That attached are all the papers connected with your petitioner's case.
12. That your petitioner has petitioned the Parliament for redress, but has failed to get it, by two separate petitions.
13. That your petitioner has applied to the Colonial Government for redress, but was informed that the Law-courts of the Colony of New Zealand were open to your petitioner.
14. That your petitioner did take action in the Supreme Court of New Zealand, at Auckland, having failed to get his gross wrong righted, and served a writ for £500 damages, &c., against the said Thomas Cotter as Returning Officer for the Government of New Zealand, which was duly set down for hearing, and all my witnesses present to prove my innocence; being without funds, I was unable to employ counsel on my behalf, whilst arrayed against me were two legal gentlemen. Your petitioner duly attended the Supreme Court on the day fixed for hearing, when, through a sudden illness, your petitioner was about ten minutes late, when, to his surprise, on his case being called on, it was dismissed, without your petitioner being even heard, and mulcted in heavy costs.