



AUCKLAND PROVINCIAL GOVERNMENT GAZETTE.

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AUCKLAND, THURSDAY, MAY 6, 1858.

[No. 14.]

NOTICE.

THE Correspondence with the Resident Magistrate, Auckland, upon the under-mentioned subjects, and the Correspondence with the Resident Magistrate, Onehunga, upon the appointment of a Clerk to his Court, are published for general information :—

1st. The appointment of Clerk of Court.

2nd. Census, 1857.

3rd. Writs for Election of two Members for the district of the Suburbs of Auckland.

J. WILLIAMSON,
Superintendent.

Superintendent's Office,

Auckland, 5th May, 1858.

Colonial Secretary's Office

Auckland, April 22, 1857.

SIR,—In forwarding to your Honour the enclosed copy of a letter received from Mr. E. Barry, resigning his appointment as Chief Clerk in the Resident Magistrate's Court, Auckland, I have the honour to inform you that if it be necessary to fill up this vacancy the appointment will rest with your Honour so long as the control of the Department remains with the Provincial Government.

I have &c., &c.,

(Signed,) FRED. WHITAKER,
For the Colonial Secretary.

His Honor the Superintendent,
Auckland.

[Enclosure.]

Auckland, March 28, 1857.

SIR,—I have the honour to transmit my resignation of the office of Chief Clerk of the Resident Magistrate's Court at Auckland, which I have held for a period of eight years under the Colonial Government of New Zealand, a step I am necessitated to take in consequence of the course recently pursued by His Honour The Superintendent with reference to that Department, on the occasion of its coming under his control, in reducing the salaries of its Officers, by which mine, being diminished by fifty pounds (£50) per annum, is now wholly insufficient to meet my expenses.

Having received from His Excellency Governor Grey in the year 1849, my appointment, I conceive that I have forwarded my resignation to the proper quarter, and beg respectfully to submit it for the acceptance of His Excellency's Government.

I have &c., &c.,

(Signed) EDWD. BARRY.

The Honble. The Colonial Secretary,
Auckland.

Auckland, 7th April, 1857.

SIR,—Understanding that there is a vacancy in the Resident Magistrate's Court of Auckland, on account of the absence of Mr. Barry, I beg to request your Honour will authorize my

appointment thereto. If references be required I am ready to forward you the desired names of referees.

I have &c., &c.,

(Signed) JOSEPH CUNNINGHAM.

His Honor The Superintendent.

Superintendent's Minute on this letter.

Referred to the Resident Magistrate.

(Signed) J. WILLIAMSON.

April 7, 1857.

Letter returned with Mr. Beckham's Minute.

Mr. Barry left the service of this Court on the 1st April.

(Signed) THOS. BECKHAM.

Resident Magistrate's Court,

April 9, 1857.

Resident Magistrate's Court,
Auckland, 9th April, 1857.

SIR,—I have honour to report for your Honour's information that Mr. Barry left the service of this Court on the 1st inst., and to state that it is essential that an eligible person be forthwith appointed.

I have &c., &c.,

(Signed) THOS. BECKHAM.

His Honour The Superintendent.

Superintendent's Office,
Auckland, 11th April, 1857.

SIR,—With reference to your letter of date 9th instant, reporting that Mr. Barry had left the service of the Resident Magistrate's Court on the 1st inst., I have the honour to forward enclosed applications for the vacant office by Messrs. Tabuteau, Flower, Wayland, and Hickson, and to request that you will recommend for appointment the one whom you consider the most suitable.

These applications, with that of Mr. Cunningham, are all that have been received.

I have &c., &c.,

(Signed) J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

[Enclosure No. 1.]

Parnell, 9th April, 1857.

SIR,—Understanding that there is a vacancy in the Resident Magistrate's Court by the departure of Mr. Barry, I beg to offer myself as a Candidate for the situation.

I have &c., &c.,

J. MOLIÈRE TABUTEAU.

His Honor the Superintendent.

[Enclosure No. 2.]

3, York Street, Parnell, 11th April, 1857.

SIR,—I beg respectfully to solicit the favour of being appointed to fill the vacant office of Clerk to Thos. Beckham Esq., and should it be your pleasure to confer on me the situation, I will steadily endeavour to discharge the duties of the same and remain,

&c., &c.,

JOSEPH FLOWER.

To His Honor, the Superintendent
of the Province of Auckland.

[Enclosure No. 3.]

Auckland, 11th April, 1857.

SIR,—Having heard this day that the situation of Clerk in the Resident Magistrate's Court has become vacant, the nomination to which rests with your Honor, I beg leave to offer myself as a Candidate for the appointment, my time being wholly unoccupied, and I am anxious to obtain employment under the Government of the Province where I have resided for 9 years, the welfare and prosperity of which naturally deeply interest me.

As I have not the good fortune to be personally known to your Honor, I beg to say that in the event of my request being favorably considered, I am prepared to offer such Testimonials as to character and capacity as will I trust be found satisfactory.

I have, &c., &c.,

(Signed) JOHN S. HICKSON.

His Honor the Superintendent,
Auckland,

[Enclosure No. 4.]

Resident Magistrate's Court,
Onehunga, 12th March, 1857.

SIR,—Having learned that the post of Chief Clerk in the Resident Magistrate's Court, Auckland, is vacant, I beg most respectfully to apply for the situation, and in support of my pretensions, beg to state that I have held the appointment of Clerk to the Bench at Onehunga since January, 1855, I think I may venture to say to the entire satisfaction of the Resident Magistrate.

I have, &c., &c.,

JOHN M. WAYLAND.

His Honor the Superintendent,
Auckland.

Resident Magistrate's Court,
Auckland, 17th April, 1857.

SIR,—Adverting to your Honor's letter of the 11th inst., transmitting the applications of the individuals named in the margin—[Messrs. Tabuteau, Flower, Wayland, Hickson]—for the vacant Clerkship in this Court caused by the resignation of Mr. Barry, and requesting me to recommend for appointment the "one whom I consider the most suitable," I have the honor to state, that I believe Mr. Wayland to be the most suitable; but as the duties to be performed by the Clerks in this Court are difficult and onerous, and can only be accomplished by persons of considerable experience, I beg to propose, that Mr. Piercy perform the duties of Chief Clerk and Interpreter, Mr. Sanders those of second Clerk, and that Mr. Barry's successor be appointed third Clerk.

I have, &c., &c.,

THOMAS BECKHAM,

Resident Magistrate.

His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, April 18th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of date 17th inst., trans-

mitting the applications of the Gentlemen named in the margin—[Messrs. Tabuteau, Flower, Wayland, Hickson]—for the vacant Clerkship in your Office, and stating that you believe Mr. Wayland to be the most suitable of the applicants.

I have accordingly conferred the appointment upon that gentleman with a salary of £200 per annum. I should willingly have accepted your recommendation in favor of Mr. Piercy, if I were not aware that his attendance upon the duties of his office in the Legislative Council, during the sitting of the Assembly, must preclude him from giving that continuous attention to the business of the Resident Magistrate's Court which would be necessary for the satisfactory accomplishment of duties so difficult and onerous.

I have, &c., &c.,
J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Resident Magistrate's Court,
Auckland, 9th June, 1857.

SIR,—Adverting to your Honor's letter No. 22, appointing Mr. Wayland to the Office of Chief Clerk of this Court, I beg to state for your Honor's information that he commenced his duties on the 21st of April and that I find after a trial of upwards of six weeks he is wholly incompetent to perform them. I need scarcely draw your Honor's attention to the fact that an incompetent person holding so responsible a position not only places the Resident Magistrate in daily jeopardy, but the interests of the Public suffer, and the business of the Court is retarded.

Your Honor will observe by the Fee accounts for April and May that Mr. Wayland is unequal to the very simple duty of exacting the necessary Court Fees in Criminal business.

I therefore trust your Honor will deem it expedient to replace him by a person capable of conducting the onerous duties devolving upon the office of Chief Clerk of this Court.

I have, &c., &c.,
(Signed) THOMAS BECKHAM,
Resident Magistrate.

His Honor the Superintendent.

Superintendent's office,
Auckland, 11th June, 1857.

SIR,—I have the honor to forward herewith a copy of a letter addressed to me by the Resident Magistrate, in order that you may be informed of the complaint made against you in your official capacity, and of the grounds upon which I have been requested to replace you by a person more capable of conducting the onerous duties devolving upon the Clerk in the Resident Magistrate's Court.

I have &c., &c., &c.,
(Signed) J. WILLIAMSON,
Superintendent.

Mr. J. M. Wayland,
Clerk in Resident Magistrate's Court.

Resident Magistrate's Court,
Auckland, 12th June, 1857.

SIR,—Before I had sealed the enclosed letter

I had the honor to receive your Honor's of the 11th instant, enclosing a copy of the Resident Magistrate's complaint against me in my official capacity, and in reply have only to reiterate the request contained in my letter of yesterday's date.

I have &c., &c., &c.,
(Signed) JOHN M. WAYLAND,
Clerk Resident Magistrate's Court.
His Honor the Superintendent.
Auckland.

Auckland, 11th June, 1857.

SIR,—I much regret to have to trouble your Honor with matters which may appear at first sight to affect me personally, but the conduct of the Resident Magistrate towards me, has at length become so unbearable that I am constrained to address your Honor on the subject, and request instructions as to my future course.

Since my appointment as Chief Clerk to the Court, Mr. Beckham has evidently been displeased that your Honor should have conferred the appointment on me, rather than upon his own nominee, and from the first has refused to give me any information as to the mode in which the business of his Court has hitherto been conducted, differing as it does in many minutiae from that to which I have previously been accustomed, but on the contrary has endeavoured to throw obstacles in the way of my properly performing the duties of my office, seized every opportunity of finding fault and insulting me in the presence of others, and at length really deposed me from the office to which I was appointed by you, by dividing my duties between Messrs. Piercy and Sanders, and imposing upon me those of the latter.

He has also ordered me to pay over to Mr. Piercy all fines and fees received by me up to this date, and directed that gentleman, in future to receive them, stating in open Court that I was an unfit person to be entrusted with the collection of them, and upon my remonstrating threatened to have me forcibly removed from the Court.

As I should presume from this and his other conduct towards me, that the Resident Magistrate, has some grave charges against my conduct, and understanding from him that he has already written to your Honor complaining of my inefficiency in the performance of the duties of my office, I have respectfully to request that a full investigation of the conduct of the Resident Magistrate and myself may take place on an early day, before your Honor and your Executive Council: and considering the relative position of the Resident Magistrate and myself, I would further request that I may be allowed to appear by Counsel at such Investigation.

I have &c., &c.,
(Signed) JOHN M. WAYLAND,
Clerk to the Resident Magistrate's Court.
His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, 15th June, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of date June 9th, in which you state that after a trial of upwards of six

weeks you find Mr. Wayland, the gentleman appointed to the clerkship in your office, vacated by the resignation of Mr. Barry, wholly incompetent to perform the duties of that situation, also that he is unequal to the very simple duty of exacting the necessary Court fees in criminal cases, and expressing your trust that I will deem it my duty to replace him by a person more competent.

Mr. Wayland having for a considerable period of time held an appointment in the Resident Magistrate's Court at Onehunga, similar to that which he now holds in your Court, the duties of which, he performed as I believe satisfactorily, having also been selected by yourself from amongst the list of candidates submitted to you as being the most eligible, and being as I believe a gentleman of education and attainments, whose means of maintaining his family depend upon his official character, I have thought it right before complying with your desire to remove Mr. Wayland, that he should have an opportunity of explaining, if possible, the cause of his failure to satisfy you in the performance of the duties assigned to him.

I have, therefore, forwarded to Mr. Wayland a copy of your letter and have received the letters, copies of which are transmitted herewith. I have now to request that you will be good enough to inform me whether, under the peculiar circumstances, you entertain any, and if any, what objection to affording Mr. Wayland the opportunity which he seeks of clearing himself of the, to him, ruinous charge of incompetency to perform the duties of Clerk in your Court.

I have &c., &c., &c.,
(Signed) J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Resident Magistrate's Court,
Auckland, 16th June, 1857.

SIR,—With reference to your Honor's letter of the 15th instant enclosing a correspondence with the Superintendent of the Province and the Chief Clerk to this Court, requesting me to inform you whether under the peculiar circumstances, I entertain any, and if any, what objection to "affording Mr. Wayland the opportunity which he seeks of clearing himself from the, to him, ruinous charge of incompetency to perform the duties of Clerk in this Court."

I beg to state, for your Honor's information, that being perfectly satisfied of Mr. Wayland's incompetency to fill the office of Chief Clerk of this Court, I do not feel that any inquiry is necessary, and have the honor to draw your attention to my report of the 9th instant a copy of which was placed in the hands of Mr. Wayland several days prior to its despatch, in order that he might take some steps to relieve me from the painful necessity of its transmission.

I have, &c., &c., &c.,
(Signed) THOMAS BECKHAM,
Resident Magistrate.

His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, June 23, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of date 16th instant, in which you inform me that being perfectly "satisfied of Mr. Wayland's incompetency to fill the office in your Court to which he was appointed you do not feel that any inquiry was necessary."

Looking however at all the circumstances of the case, and believing that Mr. Wayland's official character and chances of future employment are affected, I have determined to afford him the enquiry which he has claimed. A Provincial Executive Council will be held for this purpose on Saturday next at one o'clock p.m. I beg leave to enclose copy of the letter in which this intimation is conveyed to Mr. Wayland.

I have, &c., &c.,
(Signed) J. WILLIAMSON,
Superintendent

The Resident Magistrate,
Auckland.

Superintendent's Office,
Auckland, June 23rd, 1857.

SIR,—With reference to your letters of dates respectively 11th and 12th instant, I have the honor to inform you that the Executive Council will hear any explanation you may be able to afford of the circumstances which appear to have rendered necessary the application made by the Resident Magistrate for your removal from office in his Court.

A meeting of the Executive Council has been called for Saturday next at one o'clock p.m., at which hour you will be good enough to be in attendance.

I have, &c., &c.,
(Signed) J. WILLIAMSON,
Superintendent.

Mr. J. M. Wayland.

Extract from the Minutes of Proceedings of the Provincial Executive Council, Saturday, 27th June, 1857.

The Superintendent submitted a correspondence with the Resident Magistrate at Auckland relative to alleged incompetency of Mr. Wayland, a Clerk in the Resident Magistrate's Court; also a letter from Mr. Wayland requesting that an investigation of the conduct of the Resident Magistrate and himself may take place before the Provincial Executive Council. The Superintendent intimated to Council that the Resident Magistrate and Mr. Wayland had been informed that the Council would hear any statement which they might offer. Mr. Wayland, being in attendance, was introduced, and was requested to state the circumstances which appear to have rendered necessary the application made by the Resident Magistrate for his removal from the office of Clerk in the Resident Magistrate's Court. Mr. Wayland read a statement of the circumstances, and laid before the Council testimonials from Captains Haultain and Symonds, Resident Magistrates, as to his efficiency as Clerk of their Courts.

Statement of John M. Wayland, relative to the complaint of incompetency preferred against him by the Resident Magistrate, Auckland.

To His Honor the Superintendent and his Executive Council.

GENTLEMEN,—Exceedingly painful as I feel my present position, I am somewhat relieved, when I consider that I have been forced to make this statement by the prior complaints of the Resident Magistrate.

Many years of adversity, I may almost say distress, would have enabled me to endure much suffering in private, without giving utterance to my feelings, but to be deprived of a good name, by having it stigmatized by the epithets "incompetent" and "stupid," is wounding a man, whose whole life has been devoted to literature, in a most sensitive part, and more than I can well bear, especially when these accusations are accompanied with a harshness which amounts to insult.

Many a time have I, whilst sitting in the Auckland Court, been ready to thunder an angry reply in my oppressor's ear, but prudence and respect for the Magisterial chair forbade such a course, forced me to be a hearer only, and long for a time to reply,—and I am happy to find, that by the kindness of the Superintendent and his Executive Council, I have been afforded this opportunity of explaining the circumstances which appeared to have rendered necessary the application made by the Resident Magistrate for my removal from office in his Court.

It was some time after the departure of Mr. Barry that I called upon Mr. Beckham, and asked him to recommend me to the vacant clerkship in his Court, which he promised to do, adding that it would afford him much pleasure. I thanked him, and left in his hands my official application, in which I distinctly applied for the vacant post of Chief Clerk, urging in support of my pretensions that I had been upwards of two years Clerk to the Bench at Onehunga. I also told him that Mr. Symonds, the Resident Magistrate, would testify to my efficiency, and to the respectability of my character and position.

Mr. Beckham afterwards wrote to the Superintendent, placing my name at the head of a list of new applicants, and stating that he considered me the most suitable, but on account of the onerous and difficult duties of the Chief Clerk, he would suggest that Mr. Piercy should be appointed Chief Clerk and Interpreter, Mr. Saunders second Clerk, and that the post of third Clerk should be supplied by me.

Now, Gentlemen, I did not ask for the third clerk's place, and had Mr. Beckham, before recommending me to it, consulted my wishes on the subject, he would have then learned my unhesitating objection to accept of a situation subordinate to the other Clerks.

After receiving my appointment from the Superintendent, I called upon Mr. Beckham the next morning to thank him for his recommendation (I knew not at that time he had recommended me to the office of third clerk) and respectfully requested permission to absent myself for a few days in order to get all things in readiness and

instruct my successor at Onehunga. I told him, also, that Mr. Symonds required me on the licensing day, but he refused,—not a day could I obtain.

The following day I took my seat at my desk, and Mr. Piercy placed in my hands the following list of the duties I had to perform, signed by Mr. Beckham:—

"Duties to be performed by Mr. Wayland in the Resident Magistrate's Court, Auckland.

To make out criminal daily reports.

To have charge of the correspondence.

To take all informations.

To take all criminal depositions.

To issue all criminal process and fill up all forms connected therewith.

To receive, and be responsible for, the due collection of all criminal fees and fines, and to take charge of everything connected with the criminal business of the Court.

"(Signed)

"THOMAS BECKHAM, R.M."

"April 21st, 1857."

This was the day appointed for hearing the applications for Publicans' certificates, and as I could not by any possibility conceive what this had to do with criminal business, I made no entry in the Deposition Book of what took place, and after the meeting was over I was taken to task because I had omitted to do so. I referred Mr. Beckham to my list of duties to be performed, and told him that neither Mr. Piercy nor Mr. Sanders had intimated to me that it was a part of my duty. I, however, entered in the Deposition Book on the following day a faithful account of the transaction, which Mr. Beckham signed. The meeting was adjourned for a fortnight in order that the Recognizances and Notices might be prepared for signature. Perceiving that the other clerks were not engaged in anything particular, I thought it hard that I was not permitted to attend at the Onehunga Court for the purpose before mentioned.

In entering upon a new office the most adept will require some little time or assistance to see how things are managed; but I had no such favour shewn. When I ventured to ask for information I was refused.

Mr. Beckham seemed to think of everything he could to confuse and terrify me; and fearing that I should have time to refer to the Records of the Court which contain cases which are never heard in the Onehunga Court and compare the Informations with the depositions, by which means I should, in a short time, become perfectly *au fait*, he told me that I must immediately make out two copies of the Electoral Roll and a Militia List, containing several thousand words, to be ready by the first of June. I do not think that Mr. Barry ever had to perform this work. Mr. Sanders was the copying Clerk.

I had also to copy and prepare for the Supreme Court, the depositions of ten or twelve criminal cases, which should have been done by my predecessor. To complete this, I have had to rise at midnight, and was regularly in the Resident Magistrate's Court at 9 o'clock in the morning,—striving my very utmost to do everything to his satisfaction, but it was all to no

purpose. If a person came to lay an information, Mr. Beckham seemed to take peculiar delight in hurrying me, by asking, in an impatient manner, if I had finished, and if I replied negatively, saying he had time to take ten informations.

In taking down the depositions in criminal cases, it is usual for Magistrates to repeat that portion of the evidence which is essentially necessary to be taken down, and wait till the Clerk has finished before putting other questions: not so with Mr. Beckham; and rapidly as I have written, I have at times omitted a part, and have been told in open Court, "You have left out the gist of the whole matter."

In civil cases, Mr. Beckham does not have the evidence read over and signed by plaintiff or defendant, the Clerk, therefore, writes, to the best of his ability, that portion of the evidence which he thinks most to the point; but as it is not signed, it cannot, properly speaking, be used as evidence either for or against.

It may not, perhaps, be out of place to mention here, that in accusing me of slowness, Mr. Beckham has said, before the other Clerks, that Mr. Barry could do as much in one hour as I did in a whole day. Yet, with all my alleged slowness and incapacity, I never yet detained the Court after 4 o'clock.

Towards the latter end of May, I had to make a return of the Fines and Fees of the preceding month. I had offered to do this before at the end of April, but I was told there was no hurry. This was evidently to make out a case of six weeks incompetency against me, for Mr. Beckham told me that he knew, all along, that I was omitting to exact the proper fees. On my replying that it was not the practice in the Onehunga Court to charge 1s. 6d. and enter it as an 'order' when cases were dismissed, but that I should have done so had I been instructed, he said, "How can you expect that I should instruct you? I should rather look to you to instruct me. There are other Clerks who can perform your work; but as the Superintendent has thought fit to place you over them, I shall look to you to perform your duties in a proper manner." Calling to mind at this moment that Mr. Beckham, on a previous occasion, when I had told him, that I could evidently see that he was displeased with my appointment, and did not wish to see me in the Court, had excused himself by saying, "On the contrary, I should be glad to see you here, but how could you think that I could be so unjust as to be pleased to see you placed over the heads of the other clerks?" Upon my replying that I did not see how any slight could have been shown to Mr. Piercy, for he had not applied for the vacant post, and I supposed he did not require it, being Clerk to the Legislative Council and Gazetted as Clerk to the Court under the Resident Magistrates' Court Extension Act, and drawing a salary for the two offices of £325 per annum, and having

heard that Mr. Saunders was the copying Clerk, I did not think he was competent to perform the duties of Chief Clerk or Second Clerk. Mr. Beckham here hastily replied, "Certainly not, I should have been wrong to recommend Mr. Saunders to the post of Chief Clerk." Now if Mr. Beckham would have been wrong in one instance, according to his own statement, he would have been doubly wrong in the other, for he told me when speaking in Mr. Piercy's praise and the amount of work he had to perform, that had he given me his duties to perform, instead of those usually performed by the Chief Clerk he would have been forced ere this to have closed the Court, in order to accomplish the work in hand. I also perfectly recollect that Mr. Beckham told me he had to teach his clerks when they first came into his Court.

In course of conversation Mr. Beckham asked me if I did not find the duties of the Court more difficult than I expected. The Electoral Rolls, Militia Lists, and my predecessor's ten or twelve Criminal Cases for the Supreme Court starting up to my remembrance, I said, I did, but I hoped by application and perseverance to overcome all difficulties, and I added that I thought it would puzzle a lawyer to perform the duties of Chief Clerk without some little practice. "You are right," he said, "I believe it would puzzle a dozen lawyers;" and words which I understood to the effect [though imperfectly] that the Chief or Chief Clerk of the Provincial Government himself, would find himself at loss. After this I certainly felt myself much flattered, by his saying that if any other stranger were appointed in my place he believed he would not be able to do as well as I have done.

With regard to the Fees and Fines which I have omitted to exact in the months of April and May, I beg to refer you to the explanation attached to these monthly returns, and to call your attention to the fact, that the month of May had nearly passed before I was made acquainted with the omission. I then altered the Fee Book and paid into the Provincial Treasury the amount I had failed to claim. This vexed Mr. Beckham exceedingly, for he imagined he would have had the pleasure of complaining to the Government of a loss of about £3 by my ignorance. He, therefore, took occasion to vent his anger upon me for making erasures, saying there were none made before my time.

Mr. Beckham possibly never examined the Fee Book prior to my entrance into the Court or he would not have failed to see the erasures marked in the margin—[Feb. 28th, March 7th and 23rd, Oct. 3rd and 9th, 1856. Jan. 30th, 1857.]—but as it is not my wish to bring forward anything that may tend in the slightest manner to detract from my predecessors accuracy, but merely to protect myself from unfair treatment, I refrain from taking any further notice, or examining into records kept by clerks

when young in practice, and under Mr. Beckham's tuition.

J. M. WAYLAND.

Testimonials submitted by Mr. Wayland.

Panmure, 27th June, 1857.

DEAR SIR,—At your request I have much pleasure in stating that during the time I was Resident Magistrate at Onehunga, you performed your duties as Clerk to the Bench, in a satisfactory manner.

I remain, yours faithfully,
(Signed,) T. M. HAULTAIN,
Resident Magistrate,
Howick District.

Mr. Wayland,
Clerk to the Bench, Auckland.

Onehunga, 27th June, 1857.

I certify that during the period that Mr. Wayland filled the Office of Clerk to the Bench of Magistrates at this place, he performed the duties of that Office to my entire satisfaction,
(Signed,) JOHN JERMYN SYMONDS.

Mr. Wayland having read his explanation to the Executive Council gave the following replies to questions put to him :—

Mr. Beckham did not give me any information as to my duties, except the written list of duties mentioned in my statement.

How are fees paid into court?—The fees of civil cases are paid at once: the accounts are kept by Mr. Piercy.

Had Mr. Beckham any conversation with you as to your duties?—None whatever.

Were the duties difficult?—Not if I had received a little instruction, as I ought to have had, and would have received from any other Magistrate.

Did the Resident Magistrate show any feeling towards you?—From the first Mr. Beckham appeared displeased with me, He said "there is the third clerkship for you."

Did you give any personal cause to Mr. Beckham to act so towards you?—Never.

Did you draft the correspondence?—Yes.

Did Mr. Symonds instruct you when you entered his court?—Yes, and so did Captain Haultain.

Did Mr. Beckham or any person on his account give you any information as to your duties?—No.

If information had been given to you, as to your duties, do you think this difficulty would have occurred?—No, it could not, as I had every desire to please.

Who first detected the omission in charging fees?—The omissions were detected by Mr. Beckham and his clerks; Mr. Beckham said that he knew all along that I omitted to charge the proper fees.

Do you now feel competent to fulfil the duties of the office?—Yes. When I said I

ought to make up the fee account, Mr. Piercy said "There is no hurry."

Were you courteous to Mr. Beckham?—Always.

Were you willing to be guided by him?—Yes.

(Signed) J. WILLIAMSON,
Superintendent.

Resident Magistrate's Court,
Auckland, 8th July, 1857.

SIR,—I have the honor to draw your Honor's attention to my communications relative to Mr. Wayland's incompetency to perform the duties of Chief Clerk.

I have, &c., &c., &c.,
(Signed) THOMAS BECKHAM,
Resident Magistrate.

His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, 13th July, 1857.

SIR,—With reference to your letter of date 8th instant, I have the honor to acquaint you that the Provincial Executive Council, having heard an explanation by Mr. Wayland of the circumstances which appear to have rendered necessary the application made by you for his removal from the office, to which he was appointed in your court, were of opinion that facilities had not been afforded to Mr. Wayland of making himself immediately acquainted with the routine of the Auckland Resident Magistrate's Court, which it would appear differs in some respects from the routine of the Court in which he has heretofore been employed; and that his apparent incompetency to perform the duties expected from him, in a manner satisfactory to yourself, might be attributed to the fact that the method according to which it was desired that the duties should be performed had not been made plain. Taking also into consideration the circumstances proved by Certificates from Mr. Symonds of Onehunga, and Captain Haultain, that Mr. Wayland had satisfactorily performed, in the Courts in which the gentlemen above named respectively preside, duties similar to those of your Court, the Council was led to hope that a little practice would qualify him to perform the duties required of him.

I have therefore to request that you will be good enough to cause Mr. Wayland to be informed as to the precise manner in which you desire that the duties assigned to him shall be performed. And if he should thereafter be found really incompetent to perform those duties he will be replaced.

I have, &c., &c., &c.,
(Signed) J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Memorandum endorsed on the account of Fees received by Mr. Wayland, in April, 1857.

Mr. Wayland has omitted to exact the following fees.

23rd April—Parker v Parker, order, 1s. 6d.

24th April—Rich v Chisholm, mileage, 4s ;
Deposition, 2s. 6d. ; order, 1s. 6d.

(Signed) THOMAS BECKHAM,
Resident Magistrate.

With regard to the above, I beg leave to state the circumstances under which I did not exact the fees. The two orders noted above were cases dismissed, and the deposition was that of a party who had already been charged 2s. 6d. for making the same deposition in the form of an information. In the Resident Magistrate's Court at Onehunga, where I have hitherto acted as Clerk, no fees are exacted in these circumstances ; and I have not been informed that the practice is different in this Court. With respect to the mileage, I was not informed by the person who served the subpoena, that any mileage was chargeable. As the Magistrate states I have omitted to exact the above fees, I hereby pay the amount 9s. 6d., into the Provincial Treasury.

(Signed) JOHN M. WAYLAND.

Memorandum endorsed on the account of Fees collected by Mr. Wayland, from 1st May, to 31st May, 1857.

Mr. Wayland has made the following omissions, viz :—

Thorne v George,—order 1s. 6d,

Wilson v Holmes,—Mileage, 2s. 8d.

Pearson v Nunn and Auburn,—Two informations, 5s ; two warrants. 5s.

Brown v Porter,—Recognizance, 5s ; notice, 2s. ; order, 1s. 6d.

Parker v Parker,—One information, 2s. 6d. ; warrant, 2s. 6d. ; two summonses for witnesses, 5s.—£1 12s. 8d.

(Signed) THOMAS BECKHAM,
Resident Magistrate.

Memorandum by Mr. Wayland attached to the account of Fees collected by him in May, 1857.

Thorn v George,—Order.

The order which the Resident Magistrate states that I omitted to charge, I do not think was given, Captain Thorne withdrew the information at the suggestion of his Solicitor Mr. Russell. In the Deposition Book which is signed by the Magistrate, it is entered, "information withdrawn."

Mileage.

With regard to the Mileage, the Constable who served the subpoena omitted to endorse on it the number of miles which he went to serve it which he should have done.

Pearson v Nunn and Auburn.

Two runaway seamen, not yet apprehended with the Warrant which is still in the hands of the Police,—I presume that as Captain Pearson has sailed,—if the prisoners are apprehended the Magistrate will give the "order" of dis-

charge, and the case will be closed by the defendants paying 1s. 6d. each. A few days since when Murphy laid an information against Williams, he said he did not wish to proceed further in the case, if Williams would promise not to molest him. The defendant in this case had to pay 1s. 6d. for the "order."

Brown v Porter.

This omission occurred from the circumstance of the case having been heard before I entered the Court. It was not therefore on the Police Sheet, or in my Deposition Book for me to copy from.

Parker v Parker.

A case of this name was returned by me in the month of April—and as the informations of the two months were mixed together in consequence of reference in taking others, and the name being familiar—my attention was not confined to this particular case.

It was my intention the first spare moment I could find, to compare the information &c., with the Fee Book, and return in the month of June any omissions that might have occurred. Mr. Beckham however, has prevented me from having that satisfaction—I will not here ask if I have a precedent in the course I have pursued, but pay the amount of "fees omitted." £1 12s. 8d.

(Signed) JOHN M. WAYLAND.

Resident Magistrate's Court,

Onehunga, 27th April, 1857.

Sir,—Mr. Wayland having been appointed Clerk of the Bench at Auckland, I have the honor to request you will have the goodness to fill the vacant office here, and instruct him to hand over the documents, &c., of this Court to his successor.

I have the honor to be,

Sir,

Your Honor's most obedient servant,
JOHN JERMYN SYMOND S,
Resident Magistrate.

His Honor the Superintendent,
Auckland.

Superintendent's Office,

Auckland, May 5th, 1857.

Sir,—With reference to your letter, of date April 27th, respecting the vacancy in the office of Clerk to the Bench at Onehunga, I have now the honor to transmit to you applications for the situation by the gentlemen named in the margin,* and to request that you will recommend for appointment that one whom you may consider the most eligible.

I have &c., &c.,

(Signed) J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Onehunga.

* Alfred Street, Matthew Scott, John S. Hickson, E. C. Lonsdale, E. S. D. Laston, Charles Durbridge, N. H. James.

Resident Magistrate's Court,

Onehunga, 6th May, 1857.

Sir,—With reference to your letter dated 5th May, 1857, enclosing applications, (here

with returned) for the office of Clerk to the Bench at Onehunga, I have the honor to recommend that Mr. Charles Durbridge be appointed, as the most eligible person to fill the situation.

On his appointment he is prepared at once to reside in Onehunga, and take over the duties.

I have, &c., &c.,

JOHN JERMYN SYMONDS,
Resident Magistrate.

His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, May 14th, 1857.

SIR,—I have been directed by his Honor the Superintendent to inform you that your recommendation of Mr. Charles Durbridge for appointment to the office of Clerk of the Bench at Onehunga will be approved, and that Mr. Durbridge may at once enter upon the performance of his duties in that capacity.

I have, &c., &c.,

DANIEL POLLEN.

The Resident Magistrate,
Onehunga.

Colonial Secretary's Office,
Auckland, February 16, 1857.

SIR,—I have the honour to transmit herewith a copy of the correspondence noted in the margin—[Resident Magistrate to Colonial Secretary, 12th February 1857, No. 33; Under Secretary to Resident Magistrate, 16th February, 1857]—between the General Government and the Resident Magistrate, relative to the appointment and remuneration of officers to collect the next Census, and I have to request that your Honor will be good enough to recommend the names of such persons as may be required for the above purpose, in order that the necessary appointments, as required by law, may be made by the Governor.

I have, &c.,

E. W. STAFFORD.

His Honor the Superintendent,
Auckland.

Enclosure No. 1.

Resident Magistrate's Court,
Auckland, February 12, 1857.

SIR,—I have the honor to draw your attention to the third clause of the "Census Ordinance," Session XI, No. 8, relative to the "appointment of persons to collect the information required by that Ordinance," also to the latter paragraph of your letter of the 22nd December last, with reference thereto, and request you will be pleased to acquaint me at your earliest convenience whether his Excellency's Government desires me to recommend fitting persons for this office; about twenty will be required for the Province, and as I do not believe that they can be obtained at the rate specified in the "Census Ordinance," beg to refer you to your letter dated March 1st, 1855, No. 49, upon this subject, and to suggest that they be engaged on the same terms.

These appointments will be required to be

made without delay, as some of the Collectors must be despatched at the end of this month.

I have, &c.,

THOMAS BECKHAM,
Senior Resident Magistrate.

The Honorable
the Colonial Secretary.

Enclosure No. 2.

Colonial Secretary's Office,
Auckland, February 16, 1857.

SIR,—In reply to your letter of the 12th instant, No. 33, respecting the appointment of officers to collect the Census, I am directed by the Colonial Secretary to inform you that as the Provincial Government defrays the cost of that collection, the question of the appointment and remuneration of the persons employed will be left to that Government to determine, and that, on the Superintendent making the necessary arrangements, the appointments will *pro forma*, be made as required by law by the Governor.

A copy of your letter, and of this reply, will be forwarded to his Honor.

I have, &c.,

W. GISBORNE,
Under Secretary.

The Resident Magistrate,
Auckland.

Superintendent's Office,
Auckland, Feb. 21st, 1857.

SIR,—In compliance with the request contained in your letter, of date February 16th instant, "that I would recommend the names of such persons as may be required to collect the next census," I have now the honor to forward annexed for the approval of His Excellency the Governor a list of the names of persons who are desirous of being employed in the service referred to.

I have, &c., &c.,

J. WILLIAMSON,
Superintendent,

The Honourable
The Colonial Secretary.

Mr. Edward Mayne.	Mr. B. Tonks.
W. Masters.	T. J. Jaggard.
J. M. Tabuteau.	Wm. Donnell.
J. A. Smith.	A. James.
P. Whelan.	John Trake, (formerly employed in this service at Wangaroa)
J. C. Kirby.	O. Smallfield.
J. Gourley.	G. Wilkinson.
J. Semple.	R. Skeen.
H. Allwright.	
R. Collins.	
M. Wood.	
J. M. Wayland.	

Colonial Secretary's Office,
Auckland, February 23, 1857.

SIR,—In reply to your Honor's letter of the 21st instant transmitting, for the approval of His Excellency the Governor a list of names, noted in the margin, of persons as collectors of

the Census, I have the honor to convey to your Honor His Excellency's sanction for their appointment.

I have, &c.,

FRED. WHITAKER.

In the absence of the Colonial Secretary.
His Honor the Superintendent,
of Auckland.

Mr. Edward Mayne,	M. Wood,
W. Masters,	J. M. Wayland,
J. M. Tabuteau,	B. Tonks,
J. A. Smith,	T. J. Jaggar,
P. Whelan,	Wm. Donald,
J. C. Kirby,	A. James,
J. Gourley,	John Trake,
J. Semple,	O. Smallfield,
H. Allwright,	G. Wilkinson,
R. Collins,	R. Skeen.

Superintendent's Office,
Auckland, 24th February, 1857.

SIR,—I have the honor to forward enclosed copy of a letter from the hon. the Colonial Secretary containing list of the names of persons approved by His Excellency the Governor, as collectors of the Census.

The maximum of remuneration fixed by the Census Act being 10s. per diem, I think that that is sufficient for those collectors whose duties will not require them to travel far from their homes; for those who travel to a distance 12s. 6d. or 15s. per diem, should be allowed according to circumstances.

I have &c.,

(Signed) J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Resident Magistrate's Court,
Auckland, 25th February 1857.

SIR,—I have the honor to acknowledge the receipt of your Honor's letter of yesterday's date No. 8, with its enclosure, and to state for your Honor's information, that I have already performed all the duty devolving upon me connected with the "Census Ordinance" Sess. XI, No. 8, prescribed by Law, as specified in the 4th Clause of that Ordinance; but if it be your Honor's wish that I should supervise the collection of the Census and the compilation of the information contained in the "Census Schedules," I shall be happy to undertake that charge.

I have the honor to be,

Sir,

Your most obedient servant,

THOS. BECKHAM,
Senior Resident Magistrate.

His Honor
the Superintendent.

Superintendent's Office,
Auckland, February 26th, 1857.

SIR,—I have the honor to forward enclosed copy of a letter received from the Resident Magistrate on the subject of the collection of

the "Census" and to request that the Resident Magistrate may be appointed to supervise the collection of the Census and the compilation of the information contained in the Census Schedules.

I have &c., &c.,

J. WILLIAMSON,
Superintendent.

The Honorable
The Colonial Secretary.

Superintendent's Office,
Auckland, February 26th, 1857.

SIR,—Having been informed that Mr. Wood, one of the persons whose names were submitted for the approval of His Excellency as collectors of the Census, is unable to undertake that duty, I have the honor to request that Mr. John Dunn may be appointed in his stead.

I have &c.,

J. WILLIAMSON,
Superintendent.

The Honorable
the Colonial Secretary.

Colonial Secretary's Office,
Auckland, February, 27th, 1857.

SIR,—In reply to your Honor's letter of the 26th inst., requesting that the Resident Magistrate might be appointed to supervise the collection of the Census, and the compilation of the information contained in the Census Schedules, I have the honor to state that while his Excellency's Government is quite satisfied with such an arrangement, it does not appear necessary under the Census Act, as in the case of the Collectors of Census,—for the Governor to make a formal appointment.

I have to convey to your Honor the sanction of his Excellency the Governor for the appointment of Mr. John Dunn as a Census collector instead of Mr. Wood, as requested in your letter No. 36, of the 26th instant.

I have &c.,

FREDERICK WHITAKER,

In the absence of the Colonial Secretary.
His Honor the Superintendent,
Auckland.

Superintendent's Office,
Auckland, Feb. 28th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of date February 25th, intimating that you had already performed all the duty devolving upon you, connected with the Census Ordinance prescribed by Law, but declaring your willingness to undertake the charge of supervising the collection and compilation of the information contained in the Census Schedules.

A copy of your letter having been forwarded to the Colonial Secretary with a request that you might be appointed to perform that duty, I have received a reply, copy of which is enclosed, and I have now the honor to request that you will be good enough to supervise the collection of the Census and the compilation of

the information contained in the Census Schedules.

I have, &c.,
J. WILLIAMSON,
Superintendent,

The Senior
Resident Magistrate,
Auckland.

Resident Magistrate's Office,
Auckland, 2nd March, 1857.

SIR,—In reply to your Honor's letter of the 28th ultimo, No. 10, "requesting me to supervise the collection of the Census and the compilation of the information contained in the Census Schedules," I beg to state for your Honor's information that I shall be happy to undertake that charge, and to request that your Honor will be pleased to acquaint me what rate of remuneration I am to be allowed for this duty; I beg also to intimate to your Honor that I shall require a Clerk for this service, who must be a person of considerable intelligence and ability, and that the rate allowed for this purpose on the last occasion was 12s. per diem, but whether I can obtain a suitable person now at a less rate I am not aware.

I have to request that your Honor will be pleased to favour me with an answer with the least possible delay, as the time has all but passed for commencing operations.

I have, &c.,
THOMAS BECKHAM,
Senior Resident Magistrate.

His Honor
the Superintendent.

Superintendent's Office,
Auckland, March 2, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of this day's date, in which you request to be informed what rate of remuneration will be allowed you for supervising the collection of the census, and compiling the information contained in the census schedules and intimating that you will require a clerk for this service.

In reply I have to acquaint you that you will be allowed the same rate of remuneration as you receive for performing the duties of Returning Officer, and to request that you will select a Clerk from the list of names already forwarded to you, who will receive 10s per diem; should an additional Collector be required in consequence of this arrangement the name of another person shall be recommended to His Excellency the Governor for appointment.

I have, &c.,
J. WILLIAMSON,
Superintendent.

The Resident Magistrate, Auckland.

P. S.—Mr. Frederick Cook has offered to place his schooner "Tere" at the disposal of the Government for this service.

Resident Magistrate's Court,
Auckland, 3rd March, 1857.

SIR,—Adverting to the latter paragraph of your Honor's letter of yesterday's date No. 11, relative to the Collectors of the Census, stating "that the schooner 'Tere' has been placed at the disposal of the Government for this Service," I beg to state for your Honor's information that it will be requisite to despatch one of the Collectors up the "Thames" to day, and to request that your Honor will be pleased to cause arrangements to be made for his departure, either by that or some other vessel, at 4 o'clock this afternoon.

I have &c.,
THOS. BECKHAM,
Senior Resident Magistrate.

His Honor the Superintendent.

Resident Magistrate's Court,
Auckland, 3rd March, 1857.

SIR,—With reference to your Honor's letter of the 24th ultimo, "transmitting me a list of persons appointed as collectors of the Census," I deem it my duty to draw your Honor's attention to the fact, that the greater number of these individuals possess not the slightest knowledge of the interior, and that therefore there is every reason to apprehend a failure in the undertaking.

I have, &c.,
THOMAS BECKHAM,
Senior Resident Magistrate.

His Honor the Superintendent.

Resident Magistrate's Court,
Auckland, 3rd March, 1857.

SIR,—I beg to state for your Honor's information that four of the "Collectors of the Census" will be required to proceed to the Bay of Islands by the steamer "Wonga Wonga" on Saturday next, the 7th inst, and to request that your Honor will be pleased to cause their "passages" to be secured.

I have &c.,
THOMAS BECKHAM,
Senior Resident Magistrate.

His Honor
The Superintendent.

Superintendent's Office,
Auckland, March 3rd, 1857.

SIR,—I do myself the honor to acknowledge the receipt of your letter of this day's date, in which you state that there is every reason to apprehend a failure in the taking of the Census.

On reference to the list of names of persons approved as "collectors" by His Excellency the Governor, I observe that one half of the number are old residents in the Province, and therefore it may be presumed, qualified by experience for the duties required of them, even in the interior, and that, as a whole, so far as I am able to judge, the persons named are of sufficient intelligence to be able, under proper direction, to collect the Census returns.

Remembering that the Census last taken was generally believed to have been incomplete,

I learn with regret that you think the same result inevitable on this occasion. Under these circumstances, if you desire it, I am prepared to relieve you from the responsibility of the office which you have undertaken.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Resident Magistrate's Court,
Auckland, 4th March, 1857.

SIR,—Adverting to your Honor's letter of yesterday's date No. 13, I beg to state for your Honor's information, that while I have every desire to carry out the wishes of your Honor's Government, I feel that I should have utterly failed in my duty to myself and to your Honor had I concealed the fact, "that there was every reason to apprehend a failure in the undertaking" of the collection of the Census, in consequence "of the want of local knowledge on the part of most of the individuals appointed for that purpose."

With reference to that portion of your Honor's letter of the 3rd instant, No. 13, wherein your Honor remarks "that you remembered, that the Census last taken was generally believed to have been incomplete," I have simply to observe for your Honor's information that the General Government, under whose auspices it was taken, was perfectly satisfied with the mode in which I conducted it; I also beg to draw your Honor's attention to the circumstance of your Honor "having requested the General Government to appoint me to perform the same duty on this occasion," and also to your Honor's communication of the 28th ultimo (covering a copy of the Hon. the Colonial Secretary's, dated February 27, 1856, No. 35, to that effect) wherein your Honor "requests me to be good enough to supervise the collection of the Census and the compilation of the information contained in the Census Schedules," in compliance with which request I have despatched the first collector on the list, and entered into an engagement on the part of the Provincial Government for his water transit.

In offering my services to conduct the Census in the present instance, I was stimulated to do so by the belief that my experience would be of benefit to the Provincial Service, but if your Honor deem it otherwise, I have no desire whatever to retain the responsibility. Awaiting your Honor's pleasure,

I have, &c.,

THOMAS BECKHAM,
Senior Resident Magistrate.

His Honor
The Superintendent.

Superintendent's Office,
Auckland, March 4th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of this day's date.

The selection of persons recommended for appointment as collectors of the Census was

made with care, and with a view to obviate the complaints which were so generally made of the incompleteness of the last Census. The lists had already been in your hands for several days, when you expressed your willingness to undertake the charge, and in consideration of a specified payment, did undertake the charge of supervising the collection of the Census and compiling the information contained in the returns.

Having placed at your disposal, for this purpose, the best assistance I could obtain, I have to request that you will be good enough to inform me whether you are now prepared to assume responsibility (from which you seem desirous of saving yourself) for the completeness of the Census.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

Resident Magistrate's Court,
Auckland, 5th March, 1857.

SIR,—I have the honor to acknowledge the receipt of your Honor's letter of the 4th instant, No. 14, received at a late hour yesterday, and to state for your Honor's information that my object in reporting what I conceived might possibly take place, "in consequence of the want of local knowledge on the part of the persons appointed to collect the Census," was of course to relieve myself of the responsibility involved in such a contingency, being at the same time fully prepared to do my utmost with the materials furnished, and if it be the wish of the Provincial Government, "that I should supervise the Collection of the Census, and the compilation of the information contained in the Census Schedules," I can pledge myself no further.

I beg to remark in conclusion, for your Honor's information that any further delay "beyond to day," in proceeding with this undertaking, must necessitate its total failure under any circumstances.

I have &c.,

THOS. BECKHAM,
Senior Resident Magistrate.

His Honor
The Superintendent.

Superintendent's Office,
Auckland, March 5th, 1857.

SIR,—Referring to your letter of date February, 27th ultimo. I have now the honour to acquaint you that the Resident Magistrate, whom I had employed to supervise the taking of the Census, and the compilation of the information contained in the Schedules, feels some difficulty in making himself responsible for the accuracy of the Census returns.

I propose, in consequence, to employ some other person; and as the holder of the office of Registrar-General seems particularly fitted for the duty of collecting the Statistical information, and compiling it, I shall be glad to nominate him, if his Excellency's Government

will not object to my availing myself of the services of Dr. Bennett.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Honorable
the Colonial Secretary.

Colonial Secretary's Office,
Auckland, March 5th, 1857.

SIR,—In reply to your Honor's letter of this date, stating, that as the Resident Magistrate, whom you had appointed for the purpose, felt some difficulty in being responsible for the accuracy of the Census Returns about to be collected, you proposed to relieve him of the duty of compiling them, and enquiring whether the General Government had any objection to Dr. Bennett, Registrar General, being employed in the supervision of the collection and the compilation of these Returns, I have the honor to state, that as it appears on enquiry, that this work will not interfere with the other duties of that officer, the Government has no objection to such an arrangement.

I have &c.,

FRED. WHITAKER,

In the absence of the Colonial Secretary.
His Honor
The Superintendent.

Colonial Secretary's Office,
Auckland, 13th March, 1857.

SIR,—In reply to your Honor's letter of this day's date, No. 44, transmitting for the approval of his Excellency the Governor a list of names noted in the margin of persons as collectors of the Census, I have the honor to convey to you his Excellency's sanction for their appointment.

I have, &c.,

FREDERICK WHITAKER,

In the absence of the Colonial Secretary.
His Honor the Superintendent,
Auckland.

Mr. Murray Hamilton, Edward Powell,
John Marlow, R. Goldfinch,
Alexander Hunter, J. Scott.

Superintendent's Office,
Auckland, March 5, 1857.

SIR,—The senior Resident Magistrate having been relieved from the duty which he had undertaken, of supervising the "collection of the Census, and of compiling the information contained in the Census Schedules," I have the honor to request that you will inform me whether you will undertake the duty above mentioned.

Payment at the rate proposed for the Resident Magistrate viz., 7s. 6d. per diem, will be made to you, whilst engaged in performing this work.

I have &c.,

J. WILLIAMSON,
Superintendent.

J. B. Bennett, Esq.,
Registrar-General.

Registrar-General's Office,
Auckland, March 5th, 1857.

SIR.—I have the honour to acknowledge the receipt of your Honor's letter of this date, requesting me to inform you whether I will undertake the duty of "Supervising the Collection of the Census Schedule," and offering remuneration at the rate of 7s. 6d. per diem during the performance of this work.

In reply, I beg to state that (having learned that the General Government has no objection) I have pleasure in accepting the engagement as proposed by your Honor.

I have &c.,

JOHN B. BENNETT,

His Honor the Superintendent,
of Auckland.

Superintendent's Office,
Auckland, March 5th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of this day's date, and with reference thereto, I have to acquaint you that, with the permission of His Excellency's Government, Dr. Bennett, the Registrar of Births, Deaths, and Marriages, will undertake the responsibility of supervising the collection of the Census, and the compilation of the information contained in the Census Schedules.

I have therefore to request that you will be good enough to transfer to that gentleman the Schedules and other documents connected with this service.

I have &c.,

J. WILLIAMSON,
Superintendent.

The Resident Magistrate,
Auckland.

[For Dr. Bennett's Report, and the Census tables, see Provincial Government Gazette, August 14th, 1857.]

Superintendent's Office,
Auckland, September 9th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter of date August 10th ult., transmitting a series of tables embodying the results of the Census of the Province of Auckland in the present year.

I beg that you will accept the thanks of the Provincial Government for the efforts made by you to render the collection of the information as complete as possible, and for the great care and labour bestowed in the compilation of the tables, in the arrangement of which clearness and convenience has been attained.

I have, &c., &c.,

J. WILLIAMSON,
Superintendent.

Dr. Bennett,
&c., &c.

Resident Magistrate's Court,
Auckland, 25th July, 1857.

SIR,—I have the honor to acknowledge the receipt of the Writs named in the margin,* and to state that they were delivered at my private residence last night at $\frac{1}{2}$ -past 5 p.m. The enclosed notices were immediately drawn ready to be issued this morning for publication, but I think it will be found that they cannot be promulgated in compliance with the law, in consequence of the short period that the Writs have to run. I would therefore suggest for your Honor's consideration the expediency of extending the time for their return, in order that I may draw fresh notices to prevent legal difficulties.

I have, &c.,
(Signed) THOS. BECKHAM,
Returning Officer for the Suburbs of Auckland.

* To elect one member in place of William Crush Daldy, Esquire, resigned.

* To elect one member in place of David Graham, Esquire, resigned.

Superintendent's Office,
Auckland, 27th July, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter No. 113, of date July 25th instant, in which you state that you think that notices for the Suburban Elections prepared by you for publication, and transmitted therewith cannot be promulgated in compliance with law in consequence of the short period that the writs have to run, and in which you suggest that the time for the return of the Writs should be extended.

I was anxious for reasons that will be obvious that the return to the Writs should be made within the shortest period possible, and had the notices been prepared in time for promulgation in the Gazette, notice of the intended issue of which on Friday evening was conveyed to you, no legal difficulty could have arisen.

The Writs having been issued, I have no power to alter them by extending the time for their return, if however you find that they cannot now be duly executed, and if you return them with an endorsement to that effect it will be my duty to issue new Writs.

I have, &c.,
(Signed) J. WILLIAMSON,
Superintendent.

Thomas Beckham, Esq.,
P. R. O.

No. 114.]

Resident Magistrate's Court,
Auckland, 28th July, 1857.

SIR,—With reference to your Honor's letter of the 27th instant stating that you "were anxious, for reasons that will be obvious, that the return to the writs should be made within the shortest possible period, and that had the notices been prepared in time for promulgation in the Gazette, notice of the intended issue of which on Friday evening was conveyed to me, no legal difficulty could have arisen."

I have the honor to draw your attention to

my communication of the 25th instant, wherein I informed you that "the writs were only received at my private residence at half-past 5 p.m., of Friday the 24th instant, and that the notices were drawn by myself that night."

Mr. Hill, a clerk in the Superintendent's Office, came to my house between eight and nine o'clock, and stated that he had been directed to inform me that a Gazette was to be issued that night, at the same time conveying to me a proposition I did not feel justified in acceding to. Mr. Hill did not ask for the notices, nor were they completed at that time, and when finished I had no means of sending them into town.

If, however, they had been published that night, I believe that they would still be contrary to law for the reasons assigned in my communication above quoted.

With reference to that portion of your Honor's letter stating that "If I find that they cannot be duly executed, and that if I return them with an endorsement to that effect, it will be your duty to issue new writs."

Permit me to observe that in bringing under your Honor's notice circumstances, which in my opinion, would encumber the elections with legal difficulties, I did so, believing it was a duty I owed to the Government, but I do not feel authorised in taking upon myself the grave responsibility of returning the writs unexecuted.

If, therefore, the Government see no objection, I beg that the notices transmitted with my letter of the 25th instant, may be at once published, in order that the writs may be executed.

In conclusion, I may remark that I was not aware of any reasons why you should be anxious that the return to the writs should be made within the shortest period possible, as they were transmitted to me under blank cover without any communication whatever.

I have, &c.,
(Signed) THOMAS BECKHAM,
His Honor the Superintendent,
Auckland.

Superintendent's note on Resident Magistrate's Letter.

Referred to Mr. Hill for his statement of the occurrences at Mr. Beckham's house, on Friday evening last.

(Signed) J. W.
Superintendent.

At the request of the Superintendent I went to Mr. Beckham's house on Friday evening last, and informed him that a "Gazette" was coming out that night, if he wished to publish the notices for the Suburban elections, or if he would give me authority to do so. Mr. Beckham said he had nothing to do with the Gazette, they might publish what they liked; he was preparing the notices as fast as he could, and would send them to-morrow morning.

I did not ask directly for the notices after receiving this answer; I cannot say what the time was when I arrived at Mr. Beckham's house, but on my return, when at the cutting

on the road, the military bugle sounded for eight o'clock.

(Signed) C. H. J. HILL.
28th July, 1857.

No. 115.] Resident Magistrate's Court,
Auckland, 28th July, 1857.

SIR,—I have the honor to state that since writing my reply to your communication of yesterday's date, a *Gazette* containing the notices conveyed to you on the 25th instant for publication has been brought under my notice.

I have now therefore to request that your Honor will be pleased to cause a suitable hustings to be erected in front of the Supreme Court House on or before the 6th August next.

I have, &c., &c., &c.,

THOMAS BECKHAM,
Principal Returning Officer.

His Honor the Superintendent.

Superintendent's Office,
Auckland, July 30th, 1857.

SIR,—I have the honor to acknowledge the receipt of your letters of dates respectively 28th July instant, an interval of 20 minutes having been noted between the delivery at this office of the letter No. 114 and of that numbered 115.

With reference to the notices conveyed to me on the 25th instant for publication, I am advised that the *Gazette* No. 16 of date July 25th, 1857, in which the notices referred to were published, was sent to your office on that day (Saturday) although it appears from your letter not to have been brought under your notice until the 28th instant, (Tuesday.)

I have, &c., &c., &c.,

J. WILLIAMSON,
Superintendent.

Thomas Beckham, Esq.,
P. R. O.

Resident Magistrate's Court,
Auckland, 4th August, 1857.

SIR,—Adverting to your Honor's letter of the 27th December, 1856, requesting me on future occasions to be good enough to intimate the amount of assistance I may require, when the rate of remuneration will be fixed by the Executive Council.

I have the honor to state that it is probable I may require 8 Deputy Returning Officers, and to draw your Honor's attention to my communication of the 9th February, 1857, upon a similar subject.

I have, &c., &c., &c.,

(Signed) THOMAS BECKHAM,
Principal Returning Officer.

His Honor the Superintendent.
Auckland.

Superintendent's Office,
Auckland, 5th August, 1857.

SIR,—I have the honor to acknowledge the receipt of your letter No. 124 of date August 4th instant, in which you "state that it is probable you may require 8 Deputy Returning Officers."

With reference to your letters of dates respectively July 25th and July 28th ultimo, "bringing under my notice circumstances which

in your opinion would encumber the elections with legal difficulties," referring also to my letter No. 44 addressed to you on the 27th July ultimo, I must leave to you the responsibility of incurring such expenses as may appear to you to be necessary in executing the writs for the suburban elections.

I have, &c., &c., &c.,

(Signed) J. WILLIAMSON,
Superintendent.

Thomas Beckham, Esq.,
P. R. O.

Resident Magistrate's Court,
Auckland, 6th August 1857.

SIR,—In reply to that portion of your Honor's letter of the 30th ultimo, "stating that you are advised that the *Gazette* No. 16 of date July 25th, 1857, in which the notices referred to were published, was sent to my office on that day, viz. Saturday." Your Honor will perceive by the accompanying copy of a statement made by Edward Leary, the Lock-up Keeper, that such was not the case.

I have, &c., &c., &c.,

(Signed) THOS. BECKHAM
Principal Returning Officer.

His Honor the Superintendent,
Auckland.

[Enclosure.]

Edward Leary states that about dark on Saturday the 25th July I received some *Gazettes* from the printer, for the Resident Magistrate's Court, which were mislaid until Tuesday morning, when I discovered them and took them into the Court House.

his

EDWARD X LEARY,
mark.

Witness—Jas. Jno. Piercy.

True copy. JAS. JNO. PIERCY,
Clerk of the Court.

Resident Magistrate's Court,
Auckland, 6th August, 1857.

SIR,—I have the honor to acknowledge the receipt of your Honor's letter of yesterday's date, drawing my attention to yours of the 27th ulto., No. 44, and to state that I am wholly unaware why it is again brought under my notice, as it appears to me, that every point was most fully answered in my communication of the 28th ulto., and beg your Honor will be pleased to inform me what subject I have left unnoticed in order that I may at once comply with your Honor's wish.

I have, &c., &c., &c.

(Signed) THOS. BECKHAM,
Principal Returning Officer.

His Honor the Superintendent.

Superintendent's Office
Auckland, 7th August, 1857.

SIR,—I have the honor to acknowledge the receipt of your letters Nos. 127 and 128 of dates respectively 6th August inst.

I have, &c., &c.,

J. WILLIAMSON,
Superintendent.

Thomas Beckham Esq.,
Principal Returning Officer.

[Received at 11 a.m., on Friday the 7th August.]

Resident Magistrate's Court,
Auckland, 7th August, 1857.

SIR,—I beg to transmit for your Honor's information a copy of a notice served upon me last night between 8 and 9 p.m.

I have the honor to be,

Sir,

Your obedient servant
(Signed) THOMAS BECKHAM,
Resident Magistrate.

His Honor the Superintendent.

[Enclosure.]

In the Supreme Court
of New Zealand.

To Thomas Beckham, Esq., Returning Officer for the district of the Suburbs of Auckland in the Colony of New Zealand,

Take notice that this honourable Court will be moved at ten o'clock in the forenoon of Friday the seventh day of August instant for a rule to show cause why a special injunction should not issue out of this Honorable Court to restrain you from proceeding in the nomination of a person to serve as a member in the Provincial Council for the said District of the Suburbs of Auckland in the place of William Crush Daldy, Esq., resigned, pursuant to the public notice given by you in this behalf and contained in the "Auckland Provincial Government Gazette" of the 25th day of July last.

Dated sixth day of August, 1857.

WILLIAM BRACEY,
Solicitor for Hugh Carleton and Joseph Lowe,
of Auckland, aforesaid, Esquires.

True Copy (Signed) Thomas Beckham,
Returning Officer.

Resident Magistrate's Court,
Auckland, 8th August, 1857.

SIR,—I have the honor to return the writs named in the margin* duly executed,

I have, &c., &c.,

(Signed) THOMAS BECKHAM,

Returning Officer for the Suburbs of Auckland.
His Honor the Superintendent.

* (To elect a member in place of W. C. Daldy Esquire resigned.)

* (To elect a member in place of D. Graham, Esquire, resigned.)

NOTICE.

Superintendent's Office,
Auckland, May 6th, 1858.

THE following Correspondence is published for general information.

J. WILLIAMSON,
Superintendent.

Armed Police,
Auckland, 26th April, 1858.

SIR,—Having been informed that the Resident Magistrate has in the House of Representatives cast some censure upon the conduct of the Police with reference to the preparation of the Militia List, may I beg that your Honor will be good enough to inform me whether that officer has made any Report to the Pro-

vincial Government, or forwarded any complaint on the subject.

I have the honor to be,

Sir,

Your very obedient servant,
JAMES NAUGHTON,
Inspector of Police,

His Honor the Superintendent.

Superintendent's Office,
Auckland, 29th April, 1857.

SIR,—In reply to your letter of date 27th instant, in which, referring to the censure cast upon the conduct of the Police Force by Mr. Beckham in his place in the House of Representatives, you enquire whether that officer has made any report to the Provincial Government or forwarded any complaint on the subject, I have the honour to inform you that no report or complaint against the Police with reference to the formation of the Militia list has been made to this office, nor, as you will learn from the correspondence copy of which is enclosed, has any complaint of the kind been made to His Excellency's Government.

I have, &c.,

J. WILLIAMSON,
Superintendent,

The Inspector of Police.

[Enclosure 1.]

Superintendent's Office,
Auckland, 23rd April, 1858.

SIR,—On yesterday in the House of Representatives during the discussion in Committee on the Militia Bill an honorable member for the City of Auckland, who is also a Resident Magistrate in this Province, stated in his place that the Auckland Police Force had failed to render him efficient aid in the performance of the duties of making up the Militia and Jury Lists.

As the Resident Magistrate, Mr. Beckham, is an officer paid by the Provincial Government, and as the Auckland Police Force is also under the control of this Government, I heard, for the first time, with much surprise, a charge of neglect of duty made by him against that Force.

No complaint of such neglect having been made to me officially by Mr. Beckham, I have the honor to request that you will inform me if Mr. Beckham has at any time made an official communication to His Excellency's Government on that subject,

I have &c.,

J. WILLIAMSON,
Superintendent.

The Honorable,
the Colonial Secretary.

[Enclosure 2.]
Colonial Secretary's Office,
Auckland, 27th April, 1858.

SIR,—In reply to your Honor's letter, No. 54, of the 23rd instant, enquiring whether the Resident Magistrate at Auckland had ever made to this Government an official complaint of neglect on the part of the Auckland Police to render him efficient aid in the formation of Militia and Jury Lists, I have to state that I am not aware of any communication of the character stated, having been made by that officer to this Government.

I have, &c.,

E. W. STAFFORD,
His Honor the Superintendent,
Auckland.