UNITED CLUB .-- 1ST INNINGS. Barnard, b Cloments C. Outhwaite, run out Winter, b Sandover Mumford, b Clements Lankham, b Day Clarke, b Sandover Clarke, b Sandover Russell, b Clements Alpe, b Sandover W. Outhwaite, not out Kissling, b Clements Hall, b Clements Leg-byes Wides GARBISON.—2ND INNINGS. Sandover, b Russell . Swarson, b Mumford Lambert, caught out, b Mumford Churchward, b Russell Churchward, b Russell Dr. Alston, b Russell Day, b.b.w., b Winter Furneaux, b Russell Wheafley, not out Briggs, caught by Winter W. Clements, b Russell H. Clements, b Russell Ryes Ryes . . . Wides . . 22 Total . . 78

FRAGMENT.

PICKED UP on the Kawnu, after the Maoris had "skedaddled;" supposed to be part of an Epie translated from the original Maori.

TE KAWANA, the crafty, next appears, TE KAWANA, the crafty, next appears, A child in intellect, though man in years; All kinds of policy by turns he tries, And in blind rage his Ministers defies. What wender that by us contempt is shown For pakelnes, when they as chieftain own TE KAWANA, who truth holds as absurd And plighted honour but an empty word. Some liking for our race he still retains. Some liking for our race he still retains Some using for our race ne stut retains, Our dusky sisters lead the chief in chains; But, wavering as the wind, he keeps no course, Employs by turns, threats, stratagems, and force; Then, bailled every way, devoid of skill, He refuge seeks in autocrat's "I will."

A shrine there is in Albion's far-off land, The Hall of Exeter, built in the Strand,— Sacred to spouters of the "Stiggins" stamp, Who dreary platitudes as lectures vamp,— Here pious souls, on First of May arrayed, Their vetive pennics bring, the cause to aid Of missionaries' toils, while with the woe of "savages oppressed" their bosoms glow.
To them TE KAMANA relates the wrongs
Of natives plundered, and the "gushing" throngs
Appland their Christian brother to the skies Nor think a man so holy could tell ——. Great Shaftesbury, the shoeblacks' mighty prop, Presiding genius of this canting shop, His indicate exerts in Downing-street His ministic exerts in Downing-street
As Banon soon his prolège to greet.
For this reward Te Kawana pursues
His reckless course, from this our wrong ensues
The glittering prize enchants his vapid mind,
And faith and truth he treats as empty wind.
Yet grant the end attained, where then the gain?
When the award record from his follows: Where the reward, reaped from his fellows' pain: TE KAWANA, a lord at home, will find The service cruel that was meant as kind The service crue that was meant as kind. Fame with her brazen trumpet, will attend, The Maoris' foe, who styled himself their friend. The wise, the good, the great, all from him turn, And with contempt his proffered homage spurn; Till, forced congenially to herd with fools, He rules o'er shoeblacks, and the ragged schools.

MAGISTRATE'S COURT .- FRIDAY. (Before Dr. Kinderdine, Chairman, and Thomas Kidd, Fsq., J.P.)

DRUNKENNESS.

Wm. Dowling, James Howards, and John Allan, charged with this offence, were treated in the usual manner.

charged with this offence, were treated in the usual manner.

MACFARLANE V. BRUESDEN.

Claim 1'24 3s. Sd., for amount wrongfully claimed and paid to defendant by plaintiff for certain freight on goods on board the 'Eagle Speed,' of which vessel the detendant is master.

Mr. Weston appeared for plaintiff, and Mr. Wynn and Mr. Rassell for defendant.

James Brinsden, swoin: I am master of the 'Eagle Speed,' and defendant in this action. My agents in Auckland are Messrs. Owen & Graham. Houlder Brotheir, Londen, and myself are the owners of the ressel. On board that vessel were 200 barrels and 19 cases Irinded J. J. L. M. (The bill of lading under which the plaintiff received the cargo was then read). I have had some conversation with the plaintiff about the nie surement of the freight about a fortnight ago. A Custom house officer was employed to measure the orgo, which came to 1,200 feet. Mr. Macfarlane, after the measurement, asked me to pay buck to him after the measurement, asked me to pay back to him the sum of £24 3s. 5d. for an alleged overcharge. I have never promised to pay this amount to plain-

Mr. Mac'ar'ano deposed: I produce the freght-note and the bill of lading. I paid the sum of £93 odd or freight of goods by 'Eagle Speed.' Subsequen ly I found that this was an evercharge to the execut of £24 3s. 3d., the smount of my claim. This is frequently the case, and this action is brought as an example. Mr. G. B. Owen was then called, when it was stated

Mr. G. B. Owen was then called, when it was stated that that gentleman was summoned to attend the Grard Jury in the Supreme Court.

Mr. Weston thereupon applied for an adjournment on the grourd of being impossible to go on with the ease with not the evidence of Mr. Owen.

Mr. Wynn objected to the postponement.

The Court ruled that an adjournment of the case could not be granted.

could not be granted.

Mr. Weston then took a nonsuit.

Mr. Weston then took a nonsuit.

BREACH OF CUSTOMS ACT 1858.

John Kingdon, master of the cutter 'Curlew,' now lying in this harbour, stood charged by H. F. Andrews, chief clerk of H. M. Customs, with having committed a breach of the 125th clause of the Ordinane; on the 5th November last, by deviating from the course for which he charged out, and proceeding to the Thames instead of Kikowhakarei.

This was an adjourned area.

This was an adjourned case.

Mr. Wynn appeared for the prosecution, and Mr. Beveridge was retained for the accused.

The defendant did not appear.

The service of the summons being duly proved.

warrant was ordered to be issued for the accused's

ANOTHER BREACH OF THE SAME OBDINANCE.

John Kingdon was then arrainged upon a charge of having unlawfully shipped cargo on board the same vessel, without the authority of a proper officer, and after legal hours.

This was also as editioned asso.

This was also an adjourned case.

Another warrant was also ordered to be issued in

Chi-f clerk in Post Office Auckland, John James Fitzgibbon, stood charged by Samuel Hay with having committed an assault upon him, on the 26th of November last, by pushing him down the post office sters.

Samuel Hay, deposed: On Saturday last I had occasion to see the present postmaster. Major Richardson, in order to lay a complaint against and individual. On entering the room, I was ordered by Mr. Corbett to leave it, but declined to do so until I had stated my business. The defendant then came down the passage, and said that they had quite enough of my nonsense, and that I must leave at once. With my walking stick vict armies I kept the defendant off, who finding that he could not manage me single hand d called for assistance, and a posse of clerks bundled me out, garrotting me, tearing my cost, and hurting my hips, for which I am now cost and caught me in my corporation, and the defendant hald hands upon me in the affrary.

By the Accused: I have been in the habit of calling frequently at Mr. Corbett's room. I cannot say that I have alwars been quiet when in the office. I have made complaint of the non-received of the street of the monter. I was desired by Mr. Corbett to take the manuer. I was desired by Mr. Corbett to take the coat is the one in question. I produce a coat that I received from the last witness. Consecumined by prisoner: It was about half-lowitt, on Thursday the 15th September. The coat was brought to me between one and two o'clock. It was brought to me between one and two o'clock. It was brought to me between one and two o'clock in the order of the miners Howitt to have the coat manuer. I was desired by Mr. Corbett to the first of the miners of the manuer. I was desired by Mr. Corbett to take the coat is the one in question. I produce a coat that I received from the last witness. Consecumined by prisoner: It was about half-coat one in the afferance. The produced is the one in question. I produce a coat that I received from the last witness.

The produced is the one in question. I produce a coat that I received from the last witness.

The coat was brought to me between one and two o'clock. It was brought to me between one and two o'clock. It was brought on behalf of the winness Howitt when had of Avenmber last, by pushing him down the post office steps.

Samuel Hay, deposed: On Saturday last I had occasion to see the present postmaster. Major Richardson, in order to lay a complaint against and individual. On entering the room, I was ordered by Mr. Corbett to leave it, but doclined to do so until I had stated my business. The defendant then came down the passage, and said that they had quite enough of my nonsense, and that I must leave at once. With my walking stick viet armies I kept the defendant off, who finding that he could not manage me single hand dealled for assistance, and a posse of derks bundled me out, garrotting no, tearing my cost, and hurting my hose for which I am now you

the Duke of Wellington's maxims as to the daty of subordinates. I bear no malice to you, and offered to make the amende honorable.

The Bench here stated that they thought there was a slight mistake, and the defending, as the case now stood before them, ought to have summoned the plaintiff.

The case was dismissed by the Court.

Anorum assault.

Anorum assault.

Firth Wrigley stood charged by James Mouatt,
Deputy Inspector of Hospitals, withhaving committed
an assault upon him on the 24th November last, by
seizing his horse by the head and stopping him from
proceeding on his journey when on duty.

Mr. Brookfield appeared for the accused.

Dr. Mouatt deposed: On the 24th of last month I
received a telegram, requesting my immediate attendance at Otahuhu, and was proceeding there from
Auckland on horseback, and upon attenuiting to pass.

received a telegram, requesting my immediate attendance at Olahuhu, and was proceeding there from Auckland on horseback, and upon attempting to pass through the toll gate at Newmarket, the toll-keeper demanded a toll. I informed him I was not liable, being an officer in her Majesty's service on duty. He replied he did not care for that, as I was not in uniform. I said the Act did not require that, and gave him my name. I was explaining to him my authority, when he cut me short by seizing my horse's head and would not allow me to proceed without the toll, which I paid him on compulsion. (The complainant here cited clause 72 of the "Mutiny Act.")

By Mr. Brockfield: I was in plain clothes at the time.

time.

Mr. Brookfield, on behalf of his client, admitted the offence imputed to him, and asked the Court to inflict only a nominal fine. The Bench ordered the accused to pay a fine of

SUPREME COURT.

2ND DECEMBER, 1864.

The business of the Court was resumed at ten o'clock before Sir G. A. Arney.
Robort McDonald had his fine remitted, which had been inflicted on account of his being absent on Thursday from the jury—hô now producing a certificate of his being unwell.

Martin Kelly, a juryman, was fixed £2 for non-attendance on the jury.

Intersally from the jury—the now producing a certificate of his being unwell.

Martin Kelly, a juryman, was fined £2 for non-attendance on the jury.

His Honer, previous to the business of the day (vesterday) being called on, announced to the gentlemen of the jury that he would livish to know previous to their separating for the day, whether it was their wish that the business of the Court should be continued to day (Saturday), or they would prefer that they be discharged from attendance at the Court on that day. He would mention that it was not the practice of the Court to sit on that day, and Mr. Justice Stevens had previously adopted the practice of not sitting then. But that corsideration was for the entire convenience of the jurymen; and as men of business, doubtless, they would wish to attend the Court for five days in the week, and to have the sixth day (Saturday) for their business affiirs, and in order that they might have that day in the bosom of their familles. And, moreover, he would allude to those of the Hebrew race with whom Saturday was their Sabbath; and his Honor objected that they should be obliged to violate that most holy day. And his Bonor stated that he was from to confess that on account of the great pressure of business, both on the Judge and on the Registrar of the Court, it was very inconvenient not to have one day in the week for the purpose of other matters, which must necessarily be transacted out of Court—such as the granting of probates and letters of administration; and small motions were not often very satisfactorily disposed of on account of the great pressure of Court business. His Honor, in particular, referred to one session of 30 days, when he had not the opportunity on any one single day of even taking the least refreshment, except while attanding in Court to the observations of gentlemen of the bar. And he would, therefore, ask the gentlemen of the prost to the court of the contradictions of gentlemen of the bar. And he would, therefore, ask cept while attending in Court to the observations of gentlemen of the bar. And he would, therefore, ask the gentlemen of the jury to determine during the day whether they would attend this day (Saturday) at the Court. If the gentlemen of the jury and witnesses had made arrangements to attend then, his Honor would meet their views, though he was of opinion that that day should be excluded as a Court day.

George Moore was innected for stealing a coat from the store of Mr. Reesing, of Auckland.

Prisoner pleaded not guilty.

Mr. Merriman, on behalf of the prosecution, ad-

Mr. Merriman, on behalf of the prosecution, addressed the jury to the following effect—It would be in their recollection that the prisoner at the bar was arraigned yesterday, but on account of the absence then of a material witness, the trial had been postponed until now. He would admit that the witness upon whose evidence he relied for a conviction were not of the character he would have wished to have before a jury for the purpose of conviction; but they were all necessary for the purpose of tracing the property in question in separate changes of possession. He then reviewed the general bearing of the evidence, he was about to elicit in support of the charge, and were the jury to be satisfied with the evidence, the law on the subject was perfectly clear and defithe law on the subject was perfectly clear and defi nite.

The prosecutor being called and sworn, deposed: I am a storekeeker in Auckland. About the middle of September last I scarched my store to see if any portion of my property was missing, in consequence of a coatbeing brought to me by a policeman. I now identify the policeman, he is in Court. His name is Edward Linglege. On my investigation, I found one coat missing cut of a number of twenty-four which had recently been unpacked in my store. Two of the twenty-four I had sold. On counting I found but twenty-four I had sold. On counting I found but twenty-four ocasts. The one brought by the policeman made up the twenty-four. I did not sale when we go in. There is not always as serjeant at the gate. I loss arched. There is not always as earlied.

Robert Harrison: I am a private in the 1st but-fail of the 12th regiment. On the 26th October I was in company with the other two witnesses at twenty-four I had sold. On counting I found but twenty-four one coats. The one brought by the policeman made up the twenty-four. I did not sale when we go in. There is not always a serjeant to search us when we go in. There is not always a serjeant to search us. There is not always a serjeant to search us when we go in. There is not always a serjeant to search us when we go in. There is not always a serjeant to search us when we go in. There is not always as carched. The same them we go in. There is not always as serjeant to search us when we go in. There is not always earthed.

Robert Harrison: I am a private in the 1st but-failon of the 12th regiment. On the 26th October I was in company with the other two was in company with the other two with the other two with the same from the tap-room, and whilst waiting to be served by Mrs. Graham I saw the prisoner take a took it under his arm and passed out of the door.

By the prisoner: Several persons in front. It was not search us when we go in. There is not always searched.

The two coats in the 1st but-failon of the 12th regiment. On the 26th October I was in company with the other show The prosecutor being called and sworn, deposed: I

September last. He beckened to me with his hand, and I went to him to a publichouse (Bacon's house). He asked me to buy a coat; I said I would see the coat, and he gave me this coat. He said he did not know there was a ticket on it, and took it off. He asked me 5s, for the coat. I picked the ticket up and gave it into the policeman's hands (Sergeant Cristal). I am sure the ticket now produced is the one the prisoner threw on the ground. The coat produced is the one the prisoner offered to me: I gave him back the coat, but kept the ticket. I next saw the coat in Mrs. Burk's house. The policeman and I went to Bacon's publichouse, and there saw the prisoner; I showed the prisoner to the policeman, and he took the prisoner, and we went to Mrs. Burk's house. I saw her take the coat and give it to the policeman; the coat produced is the one in question.

Cross-examined by prisoner.—I was not playing circle with your on Thursday, the 15th September, from 10 till 12 o'clock; I did not lose anything that day at cards. I did not offer the coat for me to Mrs. Burk's, you went to Mrs. Burk's, and I went to the police station.

By the Judge.—I cannot swear to the coat itself. It is like the one the pricesses.

t is like the one the prisoner offered me. Catherine Burk deposed: I am the wife of Michael urk. I live in Chancary-street. About the 15th or Camerine Dark deposed: I am the wife of Abende Burk. I live in Chancery-street. About the 15th or 16th September I saw the prisoner; I bought some thing from him—a cont. I look at the cont produced bought that one for 4s. I gave the coat up to inglege. I am quite sure it is the coat I purchased

f the prisoner. Edward Linglege: I am a censtable in the armed olice force. Was so in September last. In conse-

His Honor having summed up, the jury found the prisoner guilty, and his Honor sentenced the pri-soner to be imprisoned with hard labor for six

nonneures. Lewis Sayers, indicted for stealing certain goods from the premises of one Ralph Simpson, pleaded guilty, and on a separate charge for stealing certain goods from the house of Mr. James Whitward also

leaded guilty.
The prisoner was for each offence sentenced to two years' imprisonment with hard labor, the sentences to run concurrently from the 1st of the present month.

STEALING A CASE OF BRANDY. Hermon Hilcken indicted for stealing a case of

Hermon Hucken indicted for stealing a case of brandy from the premises of Robert Graham.

Mr. Merriman for the prosecution applied for leave to amend the indictment, the Christian name of the prisoner having been incorrectly inserted therein, and leave was accordingly granted.

therein, and leave was accordingly granted.

The prisoner pleaded not grafty.

Mr. Merriman addressed the jury, saying that the case was an exceedingly simple one. The evidence which he would call would be witnesses who absolutely saw the prisoner take a box from the counter of the publichouse of the prosecutor, and walk with it from the bar of the publichouse. The prisoner denied having taken the box, but he (Mr. Merriman) would prove that the pri-oper was afterwards found in a place where the box in question was taken.

John Chapman was called as a matter of form, his name being endorsed on the indictment as a witness.

witness.

Mr. Merriman did not ask any questions.

Mr. Merriman did not ask any questions.

By the prisoner: I was told you stole a case of brandy, by Private John Lackey, from Mr. Graham.

He said he saw you take it out of the bar. It said it was about 8 o'clock in the evening, on the 26th of October, when you took it. You were a military prisoner at the time I was told, and therefore I could not apprehend you on this charge.

By the Court: I laid the information before the

not apprehend you on this charge.

By the Court: I laid the information before the magistrates. I am a con-table at Raglan.

Henry Thompson deposed: I am a private in the 1st Battalion 12th Regiment. I know Graham's publichouse. I was there on the 26th of October, from five to ten minites past eight. Theard the first post go just before, so I ern speak to the time. The post goes at eight o'clock. Private Lackey and Private Harrison were in my company at the time. I saw the prisoner at the publichouse. I saw him going out of the tap-room into the bar, and then lift from the counter a case. It was a small square case, about the size that would hold a dozen of brandy—such a case as brandy is usually packed in. He took the case under his arm, and walked out with it. The case produced by John Chapman is like the one prisoner took. I gave information on the following morning to the Colours regeant of the company. I did not see the prisoner on the following morning. I was going down to my officer's place and I saw the Color-sergeant. Stewart and Sergeant Cavill scarching in a ti-tree. I saw Stewart give Cavill a case like the cno now produced. That cap was similar to the one I saw the prisoner: There were several more men at the bar of the public house lessifes myself. Luckey, and Harrison. Mrs. Graham was behind the bar. I did not know why you were taking the case, so I did not to the the camp but very few minutes before the last post. I answered my name to the orderly sergeant of the company. I don't know who he was. I did not he company. I don't know who he year. I did not economy.

allowed out of my tent after the hast post. I got to
the camp but very few minutes before the last post.
I answered my name to the orderly sergeant of the
company. I don't know who he was. I did not
report the matter to him, because the Color-sergeant
is the one I ought to report it to. I don't know
whether Color-sergeant Grey was on staff parade.
John Lackey, said: I am a private in first battalion
of the 12th Regiment. I recellect on the evening of
the 26th October last, being in company of last witness; at Graham's public house. Private Harrison
was with us. I saw the prisoner there. He came
from the tap room of the bar. He has ded his comrade a shilling to pay for four glasses of rum. Ho
stepped two paces Ia k, lifted a case off the counter,
and walked towards the door, opened the door, and
walked off. The case was of the description of the
one produced in Court. It appeared to me to be
whole when prisoner took it. I saw the case next on
the following morning at seven o'cleck. A man had
it on his shoulders in cominany with Sergeant Stewart.
They were coming towards the redoubt.

it on his shoulders in company with Sergeant Stewart. They were coming towards the redoubt.

By the prisoner: Mrs. Gridani was behind the bar when you took the case. She was drawing liquors. Privates Thompson, Harri oa, Lackey, and others, to the number of eight, were in front of the bar. I saw you take the case off the counter. I did not see any one at the time to whom to give information. Mrs Graham was not fit to take a prisoner like yen. I did not think at the time you would have the hard cheek to walk away with the case. I thought you were only joking. I knew where the policeman fixed. I had not time to go there. I had to make my way home as it was close upon the last post. I had not a chance of going out of my camp when once I arrived there. I was not allowed out. when once I arrived there. I was not allowed I do not know whether I reported myself to the ser jeant or the corporal, when I arrived at the camp There were one or two at the gate when I went in I did not take notice of any serjeant at the gate.
I was not searched. There is not always a serje
to search as when we go in. There is a Corne

the two coals in question to the prisoner. I look at the coals produced by Sergeant Cristal, and I am sure it is one of my 24 coals. It is of a peculiar texture. The ticket produced also by him has my own private mark on it, and also my own private initials from my agents. I am sure it is a ticket of goods taken from my store. I never sold one of those twenty-four coals to the prisoner. I am sure of that.

Examined by prisoner: I never saw you in my store. I lost the coat in question on a Wednesday.

Joseph Howitt deposed: I polish boots in the streets. I live in Chancery-street, Auckland. I saw the prisoner in Chancery-street, Auckland. I saw the prisoner in Chancery-street, Auckland. I saw the prisoner in Chancery-street, about the middle of September last. He beckoned to me with his hand, and I went to him to a publichouse (Bacon's house).

If asked me to buy a coat; I said I would see the and the whole length, except for the passage into it.
All the men there were then standing single file waiting for liquor. There were three cases on the counter

when the prisoner took the one away.

James Cavill said: I am a sergeant in the 1st
battalion of 12th Regiment. On the 26th October battalion of 12th Regiment. On the 26th October last I was stationed at Raglan. On the 27th October I saw the prisoner about 200 yards from the carep, near a 4th-tree. That was between four and five o'clock in the morning. Shortly after that, in consequence of information I had received, I went in that direction, in company with Sergant Stewart. I found a case containing brandy on the ti-tree. It was before receille. The prisoner had no right to be out of camp at that time. I took the case on that evening to Graham's publishouse. The case now produced is the one I found in the ti-tree.

By the prisoner: When I saw you out of camp in

orisoner: When I saw you out of camp in g. I did not know whether the reveille had

the morning. I did not know whether the reveale may gone or not, therefore I did not take you for being away from the camp. I did not think it necessary to confine you after the reveille had gone.

John Chapman, re-called: I produce the cas. Received it from Major Metregor in prisoner's presence. The list with 183 was present at the same time.

ime. - John Stewart said : On 27th October I was Acting John Stewart said: On 27th October 1 was Acting Sprigeant-Major of the 1st intuition of the 1st fregiment, at Raglan. In consequence of inform a tron 1 received, I proceeded with Sergeant Cavill on that day a short distance from the redout. I found the case now produced a the ti-tree. The case was opened, the nails having been raised up on one side to admit a hand. It contained eight bottles when I found it. I took it to the camp, in company with Sergeant Cavill.

By the Prisoner: I was informed by Private Thompson you had taken the case of brandy. Asson as the captain come down to the mess I re-

Joseph Graham: I am the proprietor of the Royal Hotel at Raglan. In the month of October I left Raglan for the purpose of coming to Auckland. I left three cases of brandy on the end of the counter of my bar-room. On my return none were on the counter. The case now produced was one of the cases left on the counter. I never sold a case of

eases left on the counter. I never sold a case of brandy to the prisoner, and certainly not that one. By the Court: I returned to Raglan from Auckland on the 28th of October.

By the prisoner: I was not at home when the case was brought back. I was told you stole the case of brandy by some of your men in your regiment. I did not instantly take means for your appretension, for I did not wish to lose time and money in prosecuting you. This concluded the case for the prosecution.

The prisoner then addressed the jury in his defence, calling upon them to look with distrast upon the ordence of the witnesses. He asked them was it likely, in the presence of so many people as were present at the bar of the publichouse, that he would deliberately take away a case of any description, and especially one of the size produced in Osurt.

His Honor having snumed up, the jury returned a vordict of guilty.

The Court then adjourned at half-past one o'clock for half an hour.

The Court then adjourned at half-past one occous for half an hour.

On the Court resunding, his Honor proceeded to pass sentence on the prisoner. He said he had been convicted on the evidence of his comrades, which did the greatest credit on the corps to which he belonged and which he had disgraced.

The sentence of the Court was 17500 months' imprisonment with hard labor.

LARCENY IN A DWELLING-HOUSE

David Miller was indicted for stealing certain monies, to the amount of £49, from the house of Thomas Cole, in Queen-street.

The prisoner pleaded guilty; he had no witnesses to character, but pleaded in extenuation that he had stopped all night in Mr. Coleg's house until he was quite intoxicated, so that he was not aware of taking the money.

the money.

His Honor made some severe strictures on the ingratitude with which he had repaid Mr. Coles' hos-pitality, and sentenced him to eighteen months' im-

prisonment with hard labour. ASSAULT WITH INTENT TO ROB

John Connor, otherwise James Bashworth was arrainged for assaulting Peter Hanley with intent to folloniously take from him certain property on the 6th

or belowing take from him certain property on the 6th October last.

Prisoner pleaded not guilty.

Mr. Merriman opened the case for the prosecution.

Laurence Robertson examined by Mr. Merriman: I am a licensed victualler, keeping the Union Hotel, in Queen-street. On the 7th er 8th of October last I saw the prisoner outside the bar of my house, but within the door, in company with the prosecutor. Il amby wanted to treat some men who were outside the bar as well as the prisoner. Prisoner refused to take the same as the other men had, but wanted something more, which I teftseed to give him. Procestor took out a canvas bag and drew out a handful of notes, saying "I can pay for the grog I want, give it me." I would not give it him. I asked him to give me up his money, for he was in bad company, and I would take care of it. The prisoner saw him produce the notes. I then saw the prisoner take the prosecutor by the arm and try to lead him into a private room. I then advised the prosecutor to go away home, cautioning him against the prisoner was not in the house. The fire-bell then rung, and brought me and others into the street, where I found the prosecutor stack up by the door of my house outside, and held by the prisoner, who was striking him and telling him to deliver up that purse. I sent my barman to fetch the police, preventing the bystanders from interfering. The prisoner knocked the man down and was still standing over him when the police arrived. He was still demanding his money with very violent language. The assault was committed about ten fet from the front part of my house. committed about ten feet from the front part of my

William Garrett, shoemaker said: I was at Robertson's public house on the night in question. I saw the prisoner shaking Hanley by the thront against Wiseman's shutters. He said "deliver up the money," and then knocked him down, and asked him again

nant's snace...
and then knocked him down, and constable in the for the purse.

James M. Clarke, said: I am a constable in the James M. Clarke, said: I apprehended the prisoner on the coming, Armed Police. I apprehended the prisoner on the 6th of October, about eight o'clock in the evening, 6th of October, about eight o'clock in the evening, near Mr. Robertson's public house. The prosecutor was sitting on the ground with his back against Wiseman's shutters. The prisoner was striking him. I apprenented them both and took them to the guardroom because the old man was very drunk. I took both to the lock-up, after searching prisoner; nothing particular was found on him. On searching the prosecutor £15 were found on him in notes. Prisoner was a little the worse for drink, but knew quite well what he was about.

quite well what he was about.

The prisoner land no defence to offer except that he was very drunk, and quite ignorant of the whole The Judge read over the whole of the

transaction. The Judge read over the whole of the evidence to the jury, who immediately brought in a verdict of guilty of assault with intent to rob.

His Honor, in passing a sentence of twelve months' imprisonment with hard labour, said he had mitigated the full penalty of such offences because the prisoner had not before been charged with any crime, and it did not seem that it was the result of any deliberate plan of robbery.

STEALING A CASE OF SARDINES.
Thomas Dillon and Corrie Palmer were charged

ith steading a case of sardines.
Thomas I illow pleaded guilty. Palmer not guilty. Thomas I illon pleaded guilty. Palmer not guilty. Mr. Merriman addressed the jury on behalf of the prosecution. One of the parties had pleaded guilty, and the other one, Corrie Palmer, not guilty. But he would have to go into the history of the case as against both in order to prove the participation in the effence by the prisoner pleading not guilty. Although that prisoner did not himself take the property in question, yet he would show clear participation in or abetingle of the crime.

1 Donald McPherson, sworn, said: I am clerk in the employ of Buchanan and Stewart, in Queen-street, Auckland. John Buchanan and Andrew Stewart are the names of our firm. On Saturday, the 5th November, when I went to dimer, I left three cases

Auckland. John Burhanan and Andrew Stewart are the names of our firm. On Saturday, the 5th November, when I went to dinner, I left three cases of surdines near the door of the store. On my return I missed one hox or case. The case produced now is one of the cases I left at the door of the store. I saw it next after its abstraction at the guard room of the police. When I left it it was full; when I are it saint it was author.

saw it again it was empty.

By the prisoner: I never saw you near the store nor in Dillon's company.

John Gilding, sworn: I am the engine keeper of the Auckland fire brigade. I saw prisoner Dillon on 5th November last coming out of Buchanan and Site Movemeer hat coming out of Buchaman and Steward's store with case under his arm. It was a case similar to the one in Court. He took it up West Queen-street, and put it within a gate. I watched him do this. The gate was at the back of Matthew Silleri's premises. I next saw the case in the custody of the police coming down West Queen-street. I know the case by the marks on it. The the custody of the police coming down West Queen-street. I know the case by the marks on it. The letters in blue paint, "B. & S." It is like the case I saw Dillontake from the store. I saw the letters on it when Dillon was carrying it out of the store. By the prisoner: I did not see you before you were in custedy, nor in Dillon's company at any

Maurice Power: I am a constable in the armed police force. On 5th November last I was on duty in Queen-stree! about three or four o'clock in the afternoon. I saw Dillon go up West Queen-street afternoon. I saw Dillon go up West Queen-street with a case under his arm similar to the case in Court. I believe it to be the same one. He went with it opposite Matthew Dillon's house. He put into an adjoining house, and when I came out I saw neither Dillon nor the case. I went into Dillon's yard and asked for Dillon, and the woman said he had gone out. I made further search outside the premiese, and shortly after I saw him go down West Cu ensetted with another old case in his hand—not the one work restrict. On m-street with another old case in his hand—not the one new produced. I followed and apprehended him. I had, previous to his apprehension, received the one now produced. I followed and apprehension hum. I had, previous to his apprehension, received certain information from Gilding. I then went back to Matthew Fillion's house and asked leave to make a search, and I went through the house into the yard into a back apartment where these men other prisoners) stopped. On the first occasion I found no one there nor the case. Came away and went back again in company with another constable, and found the prisoner Palmer with the case now produced in Court near him. When I went a first time the box of sardines was not there, nor at the second visit Between my eccond and third visit-Dillon had been in custody the whole time. On my third visit I found an iron wedge and a hammer. Those implements are now in Court. They were on an empty box, on which PcI ner was sitting. The mark I now point out in the box corresponds with the size of the wedge. I took the prisoner and property to the guardroom. By the Court: I found sardines in the apartment with the vectors of the found sardines in the apartment where Palmer was apprehended, which seemed to have to set them force the heresteen.

By the Court: I found sardines in the apartmen where Pulmer was apprehended, which seemed to have to active in from the large case. By the prisoner: I never saw you in Dillon's com

By the prisoner: I never saw you in Dillon's cempany, nereil I see you tough the case of stationes. The prisoner address it the jary, and said he had only come into Auckland from the bush, and knowing one of the men who lived in the apartment where he was apprehended, he was asked to live there, and cid so; and on the Saturday morning in question he hid gene out and got a situation, and having return d to the room where he is al, was sitting down eather when the constable came into the place and apprehensed him. Ho denied sitogether: ny particip on in the offence, or any knowledge of it.

The Judge having summed up, the jury found the prisoner Palmer not guilty, and was acquitted

recordingly.

Dillon plended drunkenness in extenuation of his offence, was sentenced to be imprisoned with and labour for nine calendar months.

haid labour for nine calendar months.

STEALING A MARE.

Daniel Brierton was indicted for stealing a man, the property of John Cobb.

The prisoner pleaded not guilty.

Mr. Merriman, on behalf of the prosecution, in his address to the Jury, stated that he could review to evidence on which the prosecution rested, which thought would be conclusive. He would prove the stealing of the mare, and subsequently exercised rights of ownership over the unimal. And as evidence of his felonious intent, he would show that the prisoner feigned drunkenness when charged with the offence.

prisoner teigned drunkenness when caurged with the offence.

John Cobb, being sworn; I am a blacksmith, at Onehungs. On 9th November last, I was in possession of a mare. See was a roan mare, branded JG on the near shoulder. Prior to the 9th of November, she was on the Onehunga run. I was informed that two soldiers had taken my mare away. I went to the Police-office, and took the mare with me. The mare had been brought to me by Mr. Brower. I went to identify the mare as the one which had been taken away. I never gave the prisoner permission to take the mare from the run.

By the prisoner: The Onehunga run is not fenced all round. The mare can go out without being let out into the roads.

all round. The mare car go out without being let out into the roads.

Samuel Fleming: I am a storekeeper at Onehunga. On the night of 9th November I was in Princesstreet, Onehunga. I saw four or live lads rouning past me about ten minutes past nine. I followed past no about ten minutes past nine. I followed them, and came up to the prisoner, who was sitting on a horse barebacked. One of the lads held the horse. I heard the boys tell the prisoner to come off the horse as it was not his. Just as I came to him, feiguring drunkenness, he said in a broken manner, "If the horse is yours you may have him." It dismounted and moved along the read and a few himtees after a woman called out for a policeman, and one came. After the woman called out for the police, and before prisoner was arrested, he ceased feigning to be drunk and walked off smartly. The prisoner is the man who was on the horse that night. I followed the prisoner along the read and told the police officer to take him in charge.

By the Prisoner: I swear you are the man who

followed the prisoner along the road and fold the police officer to take him in charge.

By the Prisoner: I swear you are the man who was on the horse that night. Aever lost sight of you until you were apprehended. I followed you about two hundred yards after you were taken. There was another man with you, but I took particular notice of you at the time and I could distinguish you by your figure. I kept you in sight all the time. I swear you are the man who had the mare. Charles Brewer: In November last I was living at Onchunga. On the evening of 9th November I was by Mr. Muzer's house in Prince-street with other boys. I saw some one ride past on a horse. It was Mr. Cobb's horse; a roan mare. I knew the animal. I told the man to get off, and he said I was to mind my own business. I followed him and overtook him on the mare. A soldier was on her. He was like the prisoner, but I could not swear to him. It was dark. I saw Mr. Fleming, the last witness, at the time. Mr. Fleming followed the soldier. I took the mare by the side of the road. I saw her again at the police office. I was present when the prisoner was taken into custody. I am certain the man who was taken into custody. I am certain the man who was taken into custody was the man who was on the horse.

By the prisoner: I held the horse when I said get off. You are the man who was on the horse.

horse.

By the prisoner: I held the horse when I said get off. You are the man who was on the horse. I should not like to swear it was you, it was so dark. But I never left sight of you. It was between 9 and 10 o'clock. There was a man with you, but I kept sight of you all the time. There was no bride, saddle, or halter on the horse. You had a hand-kerchief with something in it. The handkerchief was tied up in a small bundle. If it was not a handkerchief it was a piece of linen. I do not think you went 200 yards from the horse before you were apprehended. I did not take any notice of the were apprehended. I did not take any notice of the other soldier's dress, but followed you alone the whole time. If you were dannk you walked stra ight The policeman who took the patience into custody is named Smith. He was with us before the Grand Jury.

James Gordon sworn: I am the son of William Gordon of Onehunga. I was in Princes-street on the 9th November, when a winnam cortion of Onehunga, I was in Princes-street on the 9th November, when a horse came past. The last witness and other boys were with me. The horse belenged to Mr. Cobb; a a man was on it. The mare was a rean-relored one. I followed the man and horse with Charles Brower. When I came up the man got off the horse. I half hold of the horse. The man then walked away smartly. We (I and Brewer) followed him. I saw Mr. Fleming. I saw the prisoner taken into custody by Policeman Smith. I am quite certain that the man who was apprehended was the same man I saw on the horse. I never lest sight of him.

By the Prisoner; I saw you on the horse in the main street. The horse was walking, and you appeared to be guiding the narre with your hand You had a bundle in your hand. I can't say which hand you held the bundle in, or which one you guided the mare with.

nor a rute—and directly he had mounted, the boy came out, called out to him, and had him appre hended.

The inry found the prisoner not guilty, and he was accordingly discharged.

ABSENCE OF WITNESSES.

Mr. Merriman mentioned to his Honor that the Grand Jury had just requested another indictment, the only one remaining to go before them. He (Mr. M) held the indictment in his hand, but he much feared the witnesses, being Natives, were not in attendance, and therefore the indictment could not be considered, but must necessarily be thrown out if it should go before the Grand-Jury without the attendance of witnesses. ance of witnesses.

His Honor remarked that as Mr. Merriman was now in the position of Crown Counsel, he should hold him responsible for the production at the proper time of necessary witnesses on whose evidence an in-dictment must be founded, and he asked Mr. Merri-

The grand jury found true bills against the fol-

The grand jury found true bills against the following prisoners:—
William Hearnden and John Reilly, for horse-stealing; Michael Hemsley, Cooper Hill and others, for assault; Richard Dunfrey for assaults; James Williamson for embezzlement; the same for fraudulently taking goods; Thomas Fawcett, for forgery; and Bichard Dunfrey, for stealing wevoiver; Albert Klaprodi false pretences; Montagu. Ward, false pretences; Lewis Sayers, robbery at Papakura; Lewis Miller, larveny; John Wadden, larveny; Paniel Brierton, horse-stealing; Thomas Brunner, shooting cattle at Kaipara; Hermen Hilcken iarceny; John O'Connor, assault, with intent to rob; Charles Charrett, Eurglary.

inceny; 30im O Comor, assaun, and Charles Charrett, burghay.

The Court rose at hair past six o'clock, until Mondae at ten o'clock, the jury expressing their desire to have this day (Saturday) a non-Court-day.

General Assembly of New Zealand.

LEGISLATIVE COUNCIL.

FRIDAY, DECEMBER 2. he Speaker took the chair at two o'clock.
The minutes of the last meeting were read and

Entition.

By the hon. Mr. Grefillan, from Donald McCashill, stating that about the ce years ago the petitioner was compelled to remove his family, consisting of six individuals, from his farm on the Thames, there being only three European families on the river, and those living three miles apart. That a native tribe there strongly urged the petitioner to remove his family, especially the women, to a place of safety, at the same time saying that the men might remain and take their chance, for their tribe would protect them against the Waikatos and the hostile tribes. That the petitioner was obliged to sell his cattle and remove his family at a great expense, and had used every means to obtain Government employment every means to obtain Government employment without success, and that he hoped the House would take his case into consideration, and enable him to return to his farm.

The hon. Mr. S. WELL said he would ask whether it was usual for the Council to receive petitions of this kind. It it was a money petition, it was quite clear it was not competent for the Council to enterminit. The matter appeared to be quite a proper one to be considered by the Legislature, but it would be inconvenient to establish a precedent of this kind, and he would beg of his hon. friend to consider whether the petition could be received by that Council.

and he would beg of ms hold, then to consider whether the petition could be received by that Council.

The hon. Mr. Gilfillian said that, being a money petition, he had distinctly informed the petitioner that he thought it could not be received, but had promised to present it. He had merely presented it in fulliment of that promise.

The petition was about to be recorded as having been presented but not received, when

The hon. Col. Kenny rose to say that an impression might be created out of doors that the petition had been received, and he thought it should be stated that the petition was presented, but not with a view that may any action should be taken.

The hon. Mr. Stokes said that any member, on receiving such a petition, ought to intimate that it was against the rules of the Council for them to take it into consideration.

The hon. Col. Kenny said it ought to be recorded in the Minutes that the fp tition was presented, but not received; because m action could be taken, as it requested compensation. His only object was that the far-lie might not be misled in coming to that Council when they could not obtain rederes.

The hon. Mr. Gilpillan begged leave to withdraw the putition altegether.

HILL TO GIVE CERTAIN POWERS TO THE COVENIOR.

The hon. Mr. Gilfillan begged leave to withdraw the pittion altegether.

MLL TO GIVE CERTAIN POWERS TO THE GOVERNOR. The hon. Mr. Sewell said he hoped that the bill he usked leave to introduce the other day, to give to the tovernor certain powers in disturbed districts of the colony, would be printed, and be in hen member's hinds before the next sitting day; and he thought it would be better to wait till that time before they entered on the consideration of it.

It was accordingly agreed that the hon, member should move the notice standing in his name on the next sitting day.

should move the nonce standing 2.

next sitting day.

NOTICES OF MOTION.

Colonel KENNEY gave notice of the following

motion:—

REMOVAL OF THE SEAT OF COVERNMENT.

With reference to the proposal to remove immediately the seat of Government to Wellington, this Cuncil is of opionion—
That when the removal of the seat of Govern-

PROTECTION OF CERTAIN ANIMALS AMENDMENT BILL.
On the medion of the hon. Mr. Sewell, it was agreed that this bill should be read a first time, with a view that it should be read a second time one

a mant was on it. The mare wish reant-colored one literated of any deliberate of the prison of the case of the store of the store of the store of the prisone of the borse. The mare wish reant of any deliberate of Palmer were charged on the purpose of the case is one the prisone of the case is one the prisone of the case is one of the prisone of the case is one of the prisone of the here. There were several private bills proposed already to be rassed through that Assembly, and they would probably require a session of two or three months to get through them preperly. This bill should be taken in connection with the Act passed last session. He could not say whether pounds or slaughter-houses were of a public nature, not having the other Act to refer to; but the question could be considered when they went into committee on the life.

b.ll.

The hon. Mr. Sewell said he had no intention to oppose the second reading. He was not prepared, nor would it be convenient to consider the abstract competency of Provincial Councils to have such powers. If they already had them the bill was of a restrictive nature, but it was a matter of very great question whether powers of this kind should be exercised by Provincial Councils. He did not mean to say Provincial Councilmen were men of an inferior class; but they were less adapted to discuss questions of this nature than the General Assembly. He heread pardon of any member of the Provincial

the of uccessary witnesses on whose evidence an indictacent must be founded, and he asked Mr. Merriman what pains he had taken to obtain the attendance of the witnesses in the present instance.

Mr. Merriman assured his Honor that he had caused all to be done which could possibly be done for compelling the attendance of these witnesses here but it must be borne in mind that the witnesses here were Natives, and, therefore, a greater degree of different ways occasioned in obtaining their presence in Court.

His Honor expressed great dissatisfaction at the non-appearance of the witnesses, and said it showed want of endeavours on the Crown Solicitor's part in such attendance not having been obtained.

THE BILLS.

The grand jury found true bills against the foiling of the said in the councils of hear any hou, member that the Executive should asycory to hear any hou, member express so little sympathy for to hear any hou, member express so little sympathy for

to hear an hon member express so little sympathy for provincial institutions in which the time and or data and the control of the time and labour of many useful men were given. They were engines of very great usefulness in this colony. Where would the colonization of New Zealand be, if not for these Provincial Councils. He thought the hou, member did not share those sentiments thear, hear, from the hon. Mr. Sewell). Such reflections as had been made by the hon, member upon the personnel of Provincial Council men often fell from men who had tried in vain for seals in Provincial Councils. (Laughter, He did not mean to say that the hon, member had recently made attempts to get into a Pravincial Council. He though the hon, member had too large a knowledge of New Zealand, and of the work of Government to depreciate provincial institutions. This Bill was meant to place the powers already presessed by Provincial Councils, and of the wise menut to place wincial institutions. This Bill was meant to place the powers already possessed by Provincial Councils, about which doubt had been expressed, under some