

With regard to my retiring, I am very sorry to say that I fear I shall shortly have to communicate with the Government on this subject. My health is most seriously affected, having taken a severe cold on the lungs through swimming a flooded river when on my way to Whangape to pay for the Kaitaia Block. I have never been well since. I have nearly lost the sight of one eye, and I have for some time been contemplating this step, and should most probably have written before this on the subject, had it not been for the desire expressed by Mr. H. H. Fenton that he would get me out of office, and his brother was going to assist him. I do not mention this because I believe that Mr. Judge Fenton would attempt this, but merely that it was a threat used by Mr. H. H. Fenton.

I will now reply to the charges.

1st. I really cannot see why, because Mr. H. H. Fenton was defendant and Mr. E. Yates plaintiff in a case to come off, that I should be debarred from the pleasure of a game of whist with either or both, or take a glass of anything I chose to drink; but, unfortunately, Mr. H. H. Fenton has made, by inference, altogether a different statement to the fact, which is this: Mr. Fenton said he would meet me on the road (we were on speaking terms then), which he did beyond Kaitaia. We rode some miles together to Ahipara. We dined together. Before dark Messrs. Yates called on me: they remained to spend the evening. A rubber was proposed, an amusement I often indulge in when I meet with those who play, though I never gamble. Our party consisted of two Yates, Mr. Kelly, Mr. H. H. Fenton, Mr. Le Touzel, and myself. The two latter either declined to play or were cut out. Mr. H. H. Fenton did not find us playing and drinking. He never left me from the time I dismounted until he left me after his case was decided. As for the drinking, I presume each called for what he wanted, and paid for it, except Mr. Fenton, who drank with Mr. Yates, and at that gentleman's expense, I suppose, as it was at Mr. Yates's invitation. The latter part of the statement, that "the plaintiff in the case to come off was led away in an intoxicated state," is an entire untruth, nor was there the slightest foundation for such a statement.

2nd charge. I did not give an opinion on the case, as stated. I gave a simple statement of the proceedings up to that time. I was not an interested party in the case. I was to have had a puppy for the service of my dog, but immediately a dispute arose as to the ownership of the bitch, I gave up my claim. Indeed it was well known that I had no selfish motive in the claim, for I should not have exercised it except to oblige a friend. I had no occasion for such a dog. I was subpoenaed as a witness, not because of any information I could give in the case, because it was well known that I knew nothing about it, but simply to put me off the Bench; and this was proved, because I was never called as a witness, and the sitting J.P.s remarked strongly upon Mr. Fenton's conduct in depriving the Bench of my knowledge and experience in the conduct of cases in Court.

The letter complained of was of a purely private character, and I cannot respect either Mr. Fenton or Captain Butler for the manner in which they obtained a knowledge of such a letter having been written. It certainly was not done in a way that gentlemen would approve; but however, it will be seen by Mr. Ball's remarks that it had not the bearing inferred.

With regard to advice, I can most truly say the only person I advised was Mr. H. H. Fenton: that he was suing the wrong person. I had no conversation with the defendant relative to the bitch, and neither directly or indirectly did I give my advice to defendant, or any other person, from first to last. So particular have I been in this matter, that I do not think there is a person in the district who knows less about this dog case. I have not read the depositions or replied to Mr. Anderson's note, because I would not know or say anything about the case. I felt most indignant at being subpoenaed as a witness and not called upon. I did not even issue the summonses, both Messrs. Butler and Fenton showed so much feeling in the case; and I am assured positively by Mr. Kelly that he gave no advice either.

3rd charge. This is an absurd charge. If it refers to Mr. McMath, at Whangape, this place is out of my district. What I have or have not done to discourage spirit drinking amongst the Natives is, I think, better known to the Government than to Mr. H. H. Fenton. It is sufficient to state that this is the most sober district in the Colony, and I take some credit that it is so. Mr. McMath is no longer the holder of a wholesale license; and on the occasion of my visit to Whangape with the money for the Kaitaia Block, a visit which I shall have cause to remember during life, I received from Mr. McMath the most kind and considerate attention. I was very ill, and I do not know what I should have done had it not been for this gentleman's attention. It is proper for me also to inform the Government that the Natives complained bitterly of Mr. McMath, because he had ceased to sell them spirits. I am quite sure they got none from him whilst I was there.

I have, &c.,

W. B. WHITE,  
Resident Magistrate.

The Hon. the Colonial Secretary, Wellington.

### Enclosure 1 in No. 13.

Mr. H. H. FENTON to Mr. W. B. WHITE, R.M.

SIR,—

Mongonui, 11th September, 1872.

I have written to the Government, demanding an inquiry into your conduct as Resident Magistrate of the district. The charges, condensed into a few words, are as follows:—

No. 1. You and Mr. Kelly playing cards and drinking with the two Yates the night previous to trying a case in which one of them was plaintiff.

No. 2. Volunteering an opinion and advising Justices on a suit in which you were interested and a witness, and also prompting defendant.

No. 3. Your failing to take steps towards suppressing spirit drinking amongst the Natives.

I thought it but fair that you should at once be acquainted with the steps I am taking, and therefore this note.

W. B. White, Esq.

I have, &c.,

HAROLD H. FENTON.