

RULES OF PROCEDURE, &c.

(Extracted from the Hawke's Bay Provincial Government *Gazette*.)

It is expected that the Commissioners will hold their first Court at Napier about the beginning of February next.

In order to secure an early hearing, it is recommended that persons intending to prefer complaints under the Act notify the same forthwith to Mr. Locke, Resident Magistrate at Napier.

The notices should state the names of the complainants, and briefly specify the transactions complained of, and the grounds of complaint.

The Provincial Government of Hawke's Bay has been requested to publish all such notices, as early as possible, in the Provincial Government *Gazette*.

Rules of procedure will be published shortly.

Wellington, December 7, 1872.

C. W. RICHMOND,
Chairman.

NOTICE is hereby given, that the Commissioners will hold their first sitting, at the Provincial Council Chamber, Napier, on Monday, the 3rd day of February next, at 10 o'clock a.m.

Napier, January 23, 1873.

C. W. RICHMOND,
Chairman.

RULES OF PROCEDURE.

1. Complaints will be reported to Parliament, if at all, as mere *ex parte* statements, unless the Commissioners are satisfied that the persons thereby in anywise prejudicially affected have had notice of the intention to prefer the same in time to appear in opposition.

2. In general, publication of the substance of an intended complaint in the Hawke's Bay Government *Gazette*, ten days or more before the day of hearing, is to be deemed sufficient notice to all persons whom it may concern, resident, or having an agent resident, within the Province: Provided that, as against Natives, such publication must be in the Maori tongue.

3. The order of proceeding in Court shall be as follows:—

The party complainant shall, in the first place, open the matter of complaint, and shall shortly state the nature of the evidence to be adduced in support.

Any complainant appearing in person shall, before opening his case, be sworn as a witness to the truth of all matters of fact to be by him stated as of his own knowledge.

After hearing the opening, the Commissioners will inquire whether any party affected by the complaint claims to be heard in answer or opposition thereto; and will decide upon the right to be heard of every party so claiming.

The party complainant may then proceed to call and examine witnesses, and adduce evidence; after which, opposing parties, successively, in such order as the Commissioners shall find convenient, will be at liberty to do the like.

If an opposing party calls no witnesses, the party complainant is then to address the Commissioners on the case, and the opposing party will have the right to reply. But if an opposing party calls any witness, such party is to address the Commissioners on the case at the close of the evidence, and the complainant will have the right of reply.

4. Where there is more than one opposing party, having a distinct case and interest, the case against each will be treated by the Commissioners, so far as practicable, as a distinct case.

5. Every witness called by the parties will be subject to cross-examination; and the party calling such witness will be at liberty to re-examine.

6. Liberty to call witnesses in reply to the witnesses called by an opposing party will be granted in cases where new matter is opened by the evidence of the opposing party, which, in the opinion of the Commissioners, could not reasonably have been anticipated by the complainant.

7. The Commissioners themselves have the power of calling witnesses at any stage of the investigation of a complaint; or even of re-opening the matter of a complaint after the parties have been heard thereon. But the Commissioners will in every case afford the opportunity of cross-examining such witnesses to the parties affected by their evidence.

8. Where it appears necessary or desirable, the Commissioners will, on proper application made, and notice given to the opposite party, allow the examination of witnesses resident beyond the limits of the Province of Hawke's Bay, or, if sick and infirm witnesses, to be taken by some person appointed by them for the purpose. Such examination may be taken either *viva voce* or on written questions, or in both ways, as the Commissioners may in each case order. But in every case the opposing party will be at liberty to cross-examine. Every such examination must be taken down in writing, certified as correct by the signature of the Examiner, and forwarded by him through the post to the Commissioners.

9. In regard to the swearing of witnesses, the rules in force in the Supreme Court will be adhered to as nearly as possible.