

ing out the inconvenience that these people would be put to if I retired from the Bench on Saturday evening. I offered to assist the Government in every way to prevent this inconvenience and the deadlock that would arise. I think the telegram will show that to be the case. I received a message in reply from Mr. Rolleston which reflected on me. It intimated that I should have seen all this, or, in other words, that I should have instructed the Clerk of the Court to stop the work of the office. This I could not do. I never interfered with the executive officer of the Court; and, besides, it would have been impossible to say how many of the cases would go to trial, and how long they would occupy me. Seeing the difficulty, as stated, I offered to assist the Government. Upon the receipt of this telegram I again wired, and suggested that, notwithstanding my peremptory dismissal was to take effect on the next day (Saturday), I was willing to act even as a deputy to my successor in order to save the petitioner the trouble, inconvenience, and expense he would otherwise suffer. Upon receiving a telegram refusing my offer, I thought I should at once stop the case. I felt it would be unfair for the plaintiff in the action to show his hand, and give the defendant the benefit of the knowledge he might thus obtain, with the probability that the case would be suddenly stopped, consequently I stopped the case. That cause having been disposed of in the manner stated, I managed to get through the remainder of the business by Saturday night. This case was therefore the only one in which the parties interested were affected by my dismissal from office. I did everything a man could possibly do to prevent inconvenience to the Government and the suitors. I would only have been too happy to accept the position of Deputy-Judge for a few days in order to prevent inconvenience to the public.

5. What cause was assigned by the Government for declining to accept your offer?—Speaking from memory, it was that Judge Broad had been appointed to relieve me. Arrangements had been made with Judge Broad to take up my station from the 31st of the month. As I pointed out to the Minister of Justice, in my telegram, I never received a single word from the Government announcing the appointment of my successor, nor as to when, how, and at what place he was to relieve me.

6. If your offer had been accepted, would there have been any legal difficulty likely to arise after your successor had been appointed?—I cannot say that there would have been any difficulty. I cannot say whether the Government thought, if they appointed me as Deputy-Judge, a legal point might arise affecting my notice of dismissal; but, as I volunteered, I do not think I could have taken advantage of it even had I been disposed to do so.

7. What loss do you consider that the petitioner has sustained in this matter. His counsel told me at the trial that there were a number of witnesses subpoenaed. I recollect that the damage out of which the action arose was said to have occurred at Boatman's, a place about fourteen miles by road from Reefton. Bringing the witnesses that distance meant considerable expense to the petitioner. He would also have to pay the costs of his counsel. If I am not mistaken, there were two counsel employed, one, at all events, being brought from Greymouth to conduct this case.

8. *Hon. Mr. Richardson.*] This case was adjourned by the Court, and each party had to pay his own costs; when the case came on again, and a decision was given in favour of one of the parties, why were the expenses of the previous adjournment not allowed to him. Is it not an ordinary rule of Court that the expenses of the winning side should be allowed?—Yes, under ordinary circumstances; but then that adjournment must take place in the ordinary course of the proceedings. This was a different matter altogether. The adjournment was brought about through the action of the Government in dismissing me at that particular time. If the Government had retained me even as a temporary Judge for a day or two the adjournment would not have become necessary.

9. Supposing you had tried the case again after such an adjournment as that which was caused by the Court, would not the winning party be entitled to his costs?—Yes, under ordinary circumstances.

10. *Mr. Swanson.*] Who would have paid the cost in that case?—Each party would have had to pay his own costs. In the event of a new trial being ordered through mistake of the Court, I apprehend the Court would make each side pay its own costs. The Court should not injure either side. In this case it did not do so except in so far as it was compelled through the action of the Government.

11. Do you mean to say that, if a Judge makes a blunder in a case, the parties to the action should have to pay the cost of that blunder?—In the case of a blunder I think each party would have to pay his own costs.

12. Do you not think the Judge should pay the costs himself?—No.

13. *Mr. Andrews.*] In other cases where there may be delays of the sitting of the Court, and where there may be losses caused through the Court not sitting, what is the usual course pursued in regard to the payment of costs?—In my own Court delays did not often arise, because if it were possible to travel I did travel, sometimes even at considerable risk. When however a delay arose in that way each side bore its own costs.

14. *Captain Kenny.*] Supposing the Court were delayed by the act of God, or by some unforeseen accident, there would be no question of this sort, but when the delay is caused by the carelessness of the Judge or any of the officials of the Court, would not the Government be responsible?—You ask me an abstract question, and it would be most difficult to give an abstract answer. For instance, if a Judge took an improper course and gave a wrong decision the colony could not be made liable for it, but there are cases in regard to which I dare say the colony might be invited to bear the expenses; such a one as the case now before the Committee, perhaps, being one of that class.

15. Then there are cases in which the Government could be held properly responsible?—Yes; I think so.

16. *Hon. Mr. Dick.*] As a rule, if a Judge misdirects a jury or errs in his judgment, or for that matter a Magistrate either, do you consider that the Government should be held responsible for his errors or for those of an officer of the Court?—I do not think the colony should be held responsible for the misdirection of a Judge or for an incorrect decision by a Magistrate made in the ordinary way of business. Of course one can well understand that if an incompetent were retained on the Bench, that is to say, if a man with a corrupt mind or of intemperate habits were retained on the Bench, the colony might reasonably be asked to compensate the sufferer at the hands of this incompetent Judge