

that generally there would be an impression on my mind that Mr. Wilson was to some extent impracticable, and when there were other men with as great, if not greater claims than Mr. Wilson, naturally I thought Government should appoint men who, other things being equal, had not been the cause of differences and departmental difficulties.

155. *Mr. W. C. Buchanan.*] Has there been any increase in the number of Judges as compared with the number when the Act passed?—[Mr. Wilson's evidence handed to witness.] I should like the Committee to take evidence on that. My impression is that Mr. O'Brien was appointed previously. The only new ones were Messrs. Puckey, Williams, and Brookfield. The statement here is somewhat misleading. Mr. Deighton is the Resident Magistrate at Chatham Islands, and he was appointed only to enable him to sign certain succession orders. Mr. Macdonald holds office also for departmental reasons, so that he may do certain formal matters when the Chief Judge is away from Auckland. There was an arrangement by which Mr. Fenton and Mr. Macdonald both hold the appointment of District Judge, so that one can take the place of the other during the absence of either. Mr. O'Brien was entitled to a pension, so that there was economy in appointing him. Mr. Puckey had been many years in the service, and was a very good officer in every way. Mr. Williams was also an officer of considerable experience and knowledge. So that of these officers Mr. Brookfield was the only new one appointed from outside the service.

156. Does the Chief Judge shift the subordinate Judges about from district to district without any reference to the Government as a matter of ordinary practice, or does he refer the matter to the Government before shifting them?—He does not refer it to the Government.

157. In case of a protest being made by a subordinate Judge as to his being shifted, has the Government power to annul the decision of the Chief Judge should it think fit to do so?—I have no knowledge of any such case arising. It would be a very extraordinary step for the Government to interfere with the arrangement of the Courts. Obviously it would be bringing political influence to bear upon the sittings of the Courts which would not, to my mind, be proper. I know of no such case, and as far as I can judge it would not be a proper thing for the Government to interfere.

158. Supposing a case like this to arise: A Judge might, from a long experience in a certain district, have a large knowledge of the Natives there, and be well acquainted with the circumstances in connection with the lands; supposing the Chief Judge shifted him away, would the Government step in and say to the Chief Judge, "The removal of this officer is undesirable under the circumstances?" My impression is the Government would not step in under the existing state of the law, which gives the administration involved in the distribution of the Judges to the Chief Judge. In Parliament, during the passing of the Act, the independence of the Courts of the Government in matters of the kind was strongly insisted on.

159. *Mr. M. W. Green.*] Mr. Wilson gave as his reason for not giving up the papers that he claimed three months' salary, at £50 per month, in consequence of having performed the duties of Commissioner after his office of Judge was taken from him. Supposing he did perform the duties of Commissioner, there being no special allocation of salary for that office, would he not be regarded as justly entitled to his salary for that three months, and would there be a reason for his retaining the papers until his claim was recognized?—I think your question has two points in it: first, was he entitled to carry on the work, and then, if he did the work, was he entitled to pay? I think certainly if he did the work of Commissioner with the approval of the Government he would be entitled to pay for it, but I have no recollection of his making such a claim; if he did of course it would be decided by the Audit Department. If the Government employed his services of course it would have to pay for them. With regard to the second part of your question—would he be justified in holding back the papers?—He is absolutely bound to give them up. If the Government do wrong there is an appeal to Parliament, but no man has a right to keep back papers and cause the inconvenience which he did.

160. He affirms that they were his private notes, though, were it not for the Government acting as it did, he would have given them up?—I am anxious to know if I am right in understanding that his office as Commissioner was not taken away for three months after his Judgeship.

161. *Mr. Swanson.*] The impression left on my mind was that he got the money for it?—I should like the Committee to take evidence as to the date he gave up his Commissionership. It appears a new matter entirely that he should have held one after the other, and that he made a claim for it. My impression is that he made no claim, but that he considered himself wronged by the action of the Legislature. [Part of Mr. Wilson's evidence read.] I think it will be found, if you take evidence and get the papers, that Parliament rose in September and he sent in a salary abstract for October, and was told the commissions of the Judges had ceased while the Bill was being passed through Parliament. I do not think the facts would bear out that evidence.

162. *Mr. Turnbull.*] You know Mr. Wilson's character and services?—I have no special knowledge of them.

163. In making appointments would you look to have any special knowledge about a man's abilities?—I know nothing about his abilities; I have always heard of him as an able man. I was in the Native Office from 1865 to 1868, and at that time I had no connection with Mr. Wilson whatever. Subsequently I had no personal knowledge of him whatever.

164. What time elapsed between the passing of the Act and the reappointments being made?—The Act was passed at the end of September, and the new appointments, viz., Messrs. Puckey, Brookfield, and Williams, were made in December or January, and in the meantime there were these difficulties I have spoken of.

165. Were there any difficulties before, as to his being shifted to another district by Judge Fenton?—I think there were, but my recollection is hazy; I think there were difficulties about his not holding a Court where he was told, and taking the law into his own hands.

166. Are you aware that he was then acting under the direct orders of the Minister, who knew better that it should be so? Mr. Sheehan said it would be inexpedient to remove a Judge who had acquired a great deal of necessary knowledge in the locality. Therefore in resisting the Chief Judge's orders to go to another locality, this Judge, in maintaining his position, was acting by the orders of the