

and determine, but shall revive with the revocation of such notice. Similarly, and by any like notice, the Governor or a Minister may stop any survey from being proceeded with, at any time and from time to time."

226. How are Judges appointed; do you recommend to Government, or does Government act on its own motion?—I will go over the names. Mr. Munro was my recommendation; Mr. Rogan was not—in fact he was appointed before I was, under the Act of 1862; Mr. Smith was not, that was Colonel Russell's; Halse was not—in fact he was not appointed, he was appointed merely to assess duties originally by Sir Donald McLean; Heaphy was not; Wilson was not; O'Brien was; Brookfield was; Puckey I should not like to give any opinion about; I know for a year or two I resisted it, but I assented in the end; Major Mair was not my recommendation; Maunings was.

227. Macdonald and Deighton?—I did not recommend Mr. Deighton—I did not know him; I merely said that some one must be appointed there, the expense of sending Judges there was so great.

228. Macdonald?—I do not know; I think that was the result of a conversation with Mr. Whitaker. I should like to take credit for it if it was my recommendation, because he is a very good man indeed; but I am afraid I cannot.

229. Then we are to understand they are sometimes appointed direct by the Government, and sometimes by your recommendation?—Yes.

230. When Mr. Wilson was appointed he was acting at Tauranga, and you requested him to remove to some other district, did you not?—No, not that I know of; do you mean living there?

231. Living there, and acting for the Government in some confiscated land business.—Yes, he was carrying out the Tauranga Land Act.

232. Did you find it necessary to remove him?—What do you refer to?

233. It is in evidence that Mr. Wilson was not long at Tauranga before he received instructions from you to proceed to another Court, and that the Native Minister interfered and forbade his removal?—If anything of that sort ever happened I have forgotten it, but I do not think it did. I do not remember ever asking any Judge to remove.

234. Well, if anything of that sort occurred where the Minister countermanded your orders you would have some recollection of it?—That does not follow. If you mean that my orders were reversed I never had any communication of that sort; that I declare absolutely.

235. You did not receive any such telegram?—I cannot recollect ever receiving a telegram interfering with my orders.

236. I will just read to you from Mr. Sheehan's evidence. [Portion of evidence read.] Have you any recollection where he was?—None whatever.

237. That was, to be removed from Tauranga; I do not mean his residence, but simply to attend a Court?—Oh, yes, I gave many such orders. Here is a return, prepared last year by the Registrar, of the Courts I assigned to Mr. Wilson. [Return put in.] (*Vide Appendix.*)

238. When holding a Court at Tauranga and transacting this confiscated land business do you recollect ordering him to hold a Court elsewhere?—I had no knowledge of what he was doing under the Land Act; I had simply to consider my own Act, because the whole of his salary was paid under that Act. If he had other work to do that was no business of mine.

239. Then you do not recollect this telegram of Mr. Sheehan's?—I do not remember.

240. Supposing this conflict of opinion occurred between yourself and the Minister—supposing you instructed a Judge to hold a Court in a particular place and the Minister interfered in this way, what would be your procedure?—I cannot contemplate such a thing; I refuse to assume that the Minister would violate the rules. I do not think I ought to be asked to consider it possible.

241. It is given as a fact that it did occur.—Well, then, the Committee must find their way out of it.

242. You have read this petition?—Yes.

243. There is a statement that you, as Chief Judge, did not allow the necessary expenses for Mr. Wilson's Court.—I received a letter or telegram from Mr. Wilson, in May, 1880, saying, "I shall not be able to do any more work in the Native Land Court this year." I complained to the Minister that it was not fair to my department that it should pay a salary to this gentleman if he was not able to do the work, and said, "I will recommend no further advances for this gentleman."

244. The costs are submitted to you before going to the Minister?—When a Court is assigned to a Judge he sends a paper requesting an advance upon the Treasury. I recommend it, and the Judge then gets a credit at the local bank. After the Court is over the Judge sends in his accounts, and the accountant in my office goes through them, and calls my attention to anything he thinks wrong. I correspond with the Judge, and when it is put right I write "recommended." The accounts are again examined in Wellington, and if there is anything wrong that my accountant has overlooked, it is put right; but as a rule it is allowed on my recommendation.

245. I understand the necessary current expenses were not allowed during the sitting of Mr. Wilson's Court, and therefore persons entitled to payment were going in debt in consequence?—That is a very general statement. I never heard such a statement before. I say, as a general reply, it is not true.

246. Then are we to understand that the necessary expenses were not withheld by you?—No; a Clerk and Interpreter would be sent to Mr. Wilson from my office. That is done in all cases. I have a distinct recollection of Mr. Wilson objecting to the person sent.

247. You recollect the Act of 1880 passing?—Yes.

248. What was the object of that Act?—To remove defects in the Act of 1873, which was very faulty.

249. One of the operations of the Act was to cancel the commissions of all the Judges?—Yes.

250. Was that intended?—Yes, that is always done. That is a principle of law.

251. Then it was nothing new; it had been done before?—Yes, it is always done. Sometimes there is a provision put in that existing commissions are to be renewed and deemed to be held under the new Act. I opposed the cancelling of my own commission in 1873, because I wished it to remain as it was; but it was done.