

252. And all the Judges had to be reappointed?—Oh! yes; all were reappointed. I was reappointed myself.

253. Then if your commission is so recent, if it is a new appointment, you would not be entitled to retiring allowance by the Act of 1871?—I think you will find that is not good law. My public service began in 1852. I have been Collector of Customs, District Judge, and half a hundred things. At least I hope your law is not good.

254. On the passing of this Act you telegraphed to Mr. Wilson that his commission was cancelled?—Yes, that is true.

255. Had the Act been assented to then? I thought it had been.—No; I left Wellington before it was assented to. Afterwards a clause was put in delaying its coming into operation for a month. I then telegraphed to Mr. Wilson, again telling him to go on for another month, and that I hoped he would finish in that time. That telegram is not referred to in the petition.

256. Then you telegraphed the second time when you found out your mistake?—I do not think it was a mistake. The clause was put in to facilitate the operation of the Act. As soon as I knew of it I let him know, and he went on.

257. When Mr. Wilson's commission was cancelled by the Act, he was not reappointed?—No.

258. Do you know the reason why?—I think the principal reason was my strong remonstrances.

259. To whom?—The Government.

260. Against his being reappointed?—Yes. I asked the Government before to remove him from my department, because he was of no use to me; because he always pleaded duties connected with the Tauranga Land Act. I said if that is so, let him be handed over to the Tauranga Land Act, because the last four Courts I had assigned to him—Galatea, Tauranga, Uawa, and Ohinemuri—he did not attend at all. I speak from the return. The names are not in my memory, and the result was I had great complaints. The suitors in my Court said it would be a great convenience if a circuit for the year could be arranged at the beginning of the year, so that it would be known long beforehand when Courts were to be held in each place. I said I did not think it would work, but we would try it. So I arranged a circuit of times and places, and published it in the *Gazette*. I was very anxious to preserve it from breaking down, because it was a great convenience, but it did break down, because if one Judge did not attend it dislocated the whole thing, because I had to send another Judge or go myself, or let the thing burst away altogether.

261. Then we are to understand that you assigned Courts to Mr. Wilson on several occasions and he did not attend?—During the whole two years he only attended Galatea; he attended to adjourn it. At Tauranga he sat ninety-two days, and ordered one certificate, which was appealed against, and a rehearing was ordered. At Wellington, three days. I do not know what he did here, as he made no return. At Waiomatatini, assigned to him, he did not attend. At Opotiki, eight days; one memorial ordered, which was unopposed; sixteen cases dismissed, and eight adjourned. At Tauranga, four days; four cases dismissed and one adjourned. At Galatea he did not attend. This was before 1880. In 1880—Tauranga, did not attend. At Uawa, did not attend. At Ohinemuri, "will not attend." So the truth is that during the whole time, exclusive of succession orders, which are trivial matters and do not appear in this list, he ordered only two memorials. Then besides this he sat at Maketu; this was in 1880, when Parliament was sitting, and, oddly enough, more work was done there than had been done before during two years. When Government asked my opinion, therefore, I said let Mr. Wilson go on with the Tauranga Land Act, and not with the Native Land Court.

262. What reason did Mr. Wilson assign for not attending these Courts?—I believe the reason really was, speaking from recollection, that he was engaged under the Tauranga Land Act; but of course that was nothing to me. One thing struck me in the petition. There are the words "inimical character of the administration." If he means official dissatisfaction, that is perfectly true. I have always considered myself responsible to Parliament, and it certainly is my duty to complain of matters of this sort, and let the Government know. That will explain the word "inimical," as officially applied. But as personally applied there is not the slightest truth in it. I never saw Mr. Wilson until after he was appointed, when he called upon me, and we had a very agreeable conversation, and at Tauranga, afterwards, I had a conversation with him again, when he told me circumstances which gave me a strong feeling in his behalf. As an individual, I did not know there was any personal feeling at all until this morning, when he passed me on the stairs. If there is any cause for it I do not know, or have forgotten it.

263. *Mr. M. W. Green.*] The Act of 1880 provides that the Government may step in and stop the hearing of any case. They might therefore stop all the cases, and virtually would not that be the power by implication to stop the Court?—Certainly not. I mean to say that when Parliament gives the Government a power of that sort the power must be strictly exercised. If the Government were to give me formal notice to stop the sittings of a Court I should not obey.

264. But practically Government could stop the sitting by stopping each of the cases to be heard?—Yes; if a formal notice was sent to stop the hearing of each case on the list, which would have to be specified in a schedule attached to the notice, signed by the Minister, then there would be no work for us, and we could go home.

265. There appears to be a conflict of testimony between Mr. Sheehan and yourself as to this telegram. If it was sent to you would it not be in your office?—If such a telegram came to me when I was in Auckland it would be in the office there, but if it came to me when I was in the country it might be lost.

266. *Mr. Sutton.*] It appears the Court was opened at Maketu in June, 1880, and a requisition was sent in in July. Was it usual for a Court to go on for a month or six weeks without any funds being provided?—The rule is that an application is made and funds are put at the Judge's disposal in a local bank before he starts.

267. It appears in this case it was not done, and when a requisition was forwarded to the Chief Judge he said, "I will not recommend any more—nothing comes of it?"—I told the Government I would not sanction any more expenditure about these things—that it was all wasted.