

161. Why did you think it was wanted to be reaffirmed? We all seem to have overlooked clause 50.

162. You say you wanted it then: it was Dr. Buller wanted it?—We overlooked the existence of clause 50, upon which the judgment of the Supreme Court went.

163. But you thought the original certificate had been ousted by granting the rehearing?—Yes, that is it. I did not want to bring this block to the same state in which we had found Pukehamoamoā. The considerations were these two, as far as I remember. I am pretty sure about it. One was to get an opinion from Mr. Justice Richmond; the other was to prevent the state of things which we had seen prevailing in this tribe in our investigation of the Pukehamoamoā. The same feeling, I may say, guided me in the letter or telegram; so that if it turned out that our law was right I wished it to be during Parliament; then, if there was a *casus omissus* in the Act, Parliament might have an opportunity of immediately rectifying it.

164. *Mr. Bell.*] Then Sir Robert Stout assumed rightly in his memorandum: "I gather from this that, if the Supreme Court decision was adverse to the affirming of the previous decision of the Court, an application would have been made to Parliament for some Act to make Renata's and his friends' titles complete"?—That is right, only I should not have put it in that way. But the idea is correct.

*Mr. Stewart:* But there was a very different motive imputed.

*The Chairman:* You were going on, Mr. Bell, to the latter part of that paragraph about Mr. Cornford?

*Mr. Bell:* I would ask that to stand over for the present.

*The Chairman:* I thought you might identify the telegrams and papers now. There is an inference thrown here upon certain telegrams and letters which we have not before us. By the memorandum "it would appear from the telegrams that he was acting in the interests of Dr. Buller's clients." That is Sir Robert's inference. I imagine from what fell from you that you would wish to see these telegrams and have them put in. [Original telegrams produced.]

165. *Mr. Bell.*] There is a letter, dated the 3rd June, 1881, which I want you to look at (Native Lands, 85/612), in which Dr. Buller suggests that the case should be submitted to the Supreme Court. There is a minute upon that letter in your handwriting?—Yes. I do not quite understand this.

166. Here is a telegram from Mr. Cornford of the 24th June, "Will send case back by Tuesday's boat," and a letter from Mr. Cornford of the 28th June, in which he says, "I have perused the case, and am inclined to think that the question at issue is not stated as definitely as it should be." On the 28th June you had not got the case, but you had a telegram stating that more time is required; and there is a letter from Dr. Buller of the 1st July: "When may we hope to have case settled for submission?" Then you wired, "Owhaoko case not arrived. If not arrived by next mail must proceed without." That is a telegram sent by you to Dr. Buller after the one received from him asking when they might have the case settled for submission?—Yes.

167. Then, the next telegram is one by you to Dr. Buller, telling him that you had informed Mr. Cornford that unless the case is returned by next mail you will proceed without. Dr. Buller replied on the 4th July, "Thanks for telegram. Will send you fresh copy of case to meet the contingency. *Lapsus calami* in case as forwarded. Section 47 of "Native Land Act, 1873," should read '1880,' third page." Can you recollect whether you sent any other telegram to Dr. Buller, or whether this would be a reply to your telegram of the 2nd?—I do not remember anything more about it.

168. Now, there is a telegram from Mr. Cornford of the 2nd July, 1881—a long telegram?—Yes, this is it. [Copy read.]

*The Chairman:* Then it is pretty clear that Mr. Cornford was at that time not appearing for those who were applying for the rehearing, but for those who were never parties to the case, and who said then and say now that they ought to be allowed to be heard. And, therefore, in the absence of any evidence to the contrary, these must be the parties for whom Mr. Cornford is acting six months afterwards.

169. *Mr. Bell.*] Can you say whether you sent the case to Mr. Cornford?—Mr. Cornford and Mr. Lascelles represented certain people at Napier whom I considered had no right to intervene in the rehearing.

170. Why did you conceive they had no right? Can you remember?—Because they were not parties. They were neither appellants nor defendants. That is the old point of law over again.

171. But they had some interest—had they not?—They said they were interested; but I did not recognize their interest, or, rather, their *locus standi*.

172. *Hon. Major Atkinson.*] That hardly appears to be a reason for sending it to them?—No; but Dr. Buller had noticed them in his draft case.

173. *Mr. Bell.*] Read that telegram over again?—I do not recognize the newspaper report. Dr. Buller wrote it. He told me that he furnished the report. On reflection, I think I have rather taken that too far. It was another report that he told me he had furnished; but I judge from what he told me about that report that he did this too.

*Mr. Stewart:* Judging from the prominence he has given himself, I should say that is very likely.

174. *Mr. Bell.*] Then you believe the report in the *Hawke's Bay Herald* was supplied by Dr. Buller?—Yes, I think so.

175. Then there is this minute in your handwriting—81/3162, without a date: "Make two copies—i.e., of case—and send one to Dr. Buller and one to Cornford, Napier. Say that, not having received the one returned from Cornford, I have prepared one myself, which I have sent"?—Yes.

*Mr. Bell:* Then there is a letter of the 9th July to the Registrar of the Supreme Court, forward-