

1253. January 18th, 1881. By the bye, whose writing is this?—It is my writing.

1254. That is your writing: "Reply, Owhaoko case is going to Supreme Court. Will not be decided before next session of Parliament, most likely.—January 19th." So you were in Auckland then?—Yes.

1255. Well, this paper seems to be immediately annexed to this other paper: "Owhaoko.—Give reasons for your being too late for the sitting of the Court." I notice there is a case here, Judge—a case stated by both Dr. Buller and Mr. Cornford. You do not seem to have minuted this by any signature. I suppose you would have seen them, though there is no minute. There is a letter minuted, "Write to Dr. Buller"?—Mr. Cornford's did not come at all until it was too late. The case was gone.

1256. I notice you minuted on the letter, "Write to Dr. Buller that in a case of this sort it is difficult to follow exactly the course indicated by the statute. I think that it is best to submit his case to Mr. Cornford, so that in stating a case myself I may have the assistance of his views." Well, then, I put it like this: Suppose you had seen this letter from Heperi and Mr. Bryce's telegram that was forwarded to you by the Under-Secretary, would you have proceeded with the statement of the case?—Yes.

1257. You would?—Yes.

1258. You would have ignored the notice of withdrawal of their withdrawal?—Yes, certainly. They cannot blow hot and cold in that way.

1259. Even though they charged Dr. Buller with having obtained the withdrawal by fraud?—That ought to be a matter for inquiry in some way. I do not know quite what I should have done if I had seen that letter from the Minister. Was it in English or Maori?

1260. You got it in both English and Maori apparently?—I should certainly have replied to Mr. Bryce's inquiry and said something about it, no doubt.

1261. Would you have considered it your duty before stating a case to have inquired whether the statements made by the Natives were true or not?—No; I do not say "before stating a case."

1262. How then?—I should have called Mr. Bryce's attention to it.

1263. But Mr. Bryce called your attention to it. Do you understand me? Mr. Bryce receives a telegram from the Maoris, and he sends it on to you?—Mr. Bryce wanted me to say something. I should have said something of this sort, no doubt: "It seems to me there is an imputation of some sort of fraud here, and it ought to be inquired into."

1264. Well, then, you would say this: that if you had seen the letters that I referred to—the letter of Heperi Pikirangi and the telegram that the Under-Secretary sent to you from Mr. Bryce—you would have considered it your duty, at any rate, before making an order in the case, to have inquired into the truth of these allegations?—That question is confined to Mr. Bryce's letter, I suppose?

1265. I put them both together. If you had received, first, Heperi Pikirangi's letter, and, secondly, Mr. Bryce's telegram, you would have considered it your duty, would you not, to have investigated the matter before ever stating a case or making an order?—I would like you to divide the two.

1266. I put them together because I assumed in my memorandum that they were both seen by you?—But the answers would be different. I should answer your question with reference to Heperi's letter differently from what I would answer the other.

1267. I will separate them, then. Suppose you had received nothing but Heperi's letter, would you have done anything then?—I do not think I should.

1268. If you had received this telegram, without Heperi's letter, and read it, would you have made inquiries?—No: I should have asked the Minister to make inquiries.

1269. You would have done nothing in the other case?—No. We received multitudes of such letters, as I said before.

1270. Did you see a copy of the order made by the Supreme Court before you made your order?—I have no recollection whatever about it. I took for granted that it is properly set out in your memorandum.

1271. Yes. But that is not the point. The point is, did you see the order?—I do not know.

1272. If you have not minuted it, did you see it? There is an order, which contains no minute from you on it, signed by Henry Hill, Deputy Registrar?—It is not this paper, so my people knew nothing. I issued my order.

1273. No. You are mixing up another thing. What Dr. Buller wires is this: he says that Judge Heale knew nothing of the rehearing being decided?—I think it was me. The question is, would I have admitted these things?

1274. No—whether you saw this order. There is no minute of yours upon it. Would you have made your order, as Chief Judge, until you saw the formal order of the Supreme Court, under the seal of the Court?—Certainly not.

1275. Then, I point out that this order—you have made no minute upon it?—I think nothing of that. There is nothing for me to do upon it except the preparation of the case. In the case of a *mandamus* and all judicial papers no minutes are required. I do not wish that my practice as to minutes should be deemed to apply beyond correspondence and official papers.

1276. The order, you notice, says that Mr. Gully was counsel. You knew he was Dr. Buller's partner, and he appeared for Renata and the others mentioned in the order or memorial—that is, the order of the 31st September, 1877. You knew that the only counsel who had appeared before the Supreme Court was the counsel for Renata; and the other Natives were not represented. Only one side was represented at the argument?—I have nothing to do with that at all. That is no concern of mine.

1277. You made this order, which bears date the 30th October, 1880? It was prepared for you apparently by Dr. Buller?—Yes.