

said, that I do not recognize. I think I have consistently stated that that class of persons I do not recognize; and I should not consider them.

1385. You decided that you had no power to affirm the original decision; and, whether that was the law or not, Judge O'Brien concurred with you?—Yes.

1386. You see here that the Supreme Court holds that you had power to affirm the original decision?—Yes.

1387. Now, you have stated that you looked upon Judges, when sitting as Judges, as independent of you—as not being in any way under your control. Why was it, then, that you sent this telegram to Judge Heale asking him to dismiss the application with costs?—That was a mere suggestion. I often did that. For instance, I mentioned to the Committee that I heard that there was a lawyer at the Court at Wanganui appearing for two or three parties, one of whom was the Government. I wrote then to the Judge, suggesting that he should withdraw his permission. Of course, my letter had no authority at all.

1388. In your telegram to Judge Heale of the 12th January you say this: "Owhaoko has been heard, and is finished. This claim should be dismissed with costs." How did you consider you were justified in interfering with what would come before another Judge?—I apprehend that, strictly speaking, the objection that is in your mind would be a proper objection. But, having the advantage of a legal training, and knowing all the work of the office, the Judges used to come to me to give them hints as to that sort of thing. For instance, Mr. Heale could never have known the inconvenience that there would be in our office from having these claims coming in in another name.

1389. But you do not seem to have explained that to him. You say, "Judge Heale: Owhaoko has been heard, and is finished. This claim should be dismissed with costs"?—That is, Ngaroro?

1390. Yes?—I think he would gather from that what I meant—that it was an attempt to get a new hearing upon that claim under a different name. I should like, if you will allow me, to explain what I mean about costs. It did not strike me at the time, till I was reading again Sir Robert Stout's memorandum. He thought I meant payment to lawyers. I did not mean that at all. I meant costs that we put on ourselves.

1391. What were those?—Payments to the Natives that were brought unnecessarily to attend the Court.

1392. Not lawyers' costs?—No; I never thought of them. I remember in one case of my own I ordered £1 10s. all round to men who had been brought to the Court to defend such a case.

1393. *The Chairman.*] These were allowances to witnesses—not costs?—Expenses to the people who had been brought up to defend their ancient titles, I mean.

1394. *Mr. Stewart.*] Now, there is one point still in my mind, and that is this: How do you explain your communicating with Mr. Studholme? Do you say that he, having no interest, was entitled to such important information?—How I saw him, do you mean?

1395. No; that is not the point. Why did you communicate with him at all?—He was in Auckland.

1396. Why should you be in communication with him at all? What colour of claim had he to be there?—He had a lease registered in my office.

1397. I did not know that fact. I thought he came in afterwards?—It is registered. The word "approved" is a mistake of Sir Robert Stout's.

1398. Have you read Judge Rogan's evidence?—I read the first day's evidence.

1399. He says, "Renata was the chief; and just immediately after Noa Huke gave his evidence Renata came forward. It is just possible I would have obtained them (the names) from Noa, but Renata said, 'That is sufficient. We have an arrangement among ourselves about this land, and there are others living on the land; but that is sufficient for us. Those are the names that we have decided upon to put in this block.'" And there is a further statement here by the Assessor: "I said to him, 'What about this Hone Peti?' He said, 'You have got all the names which these chiefs will give you. They will not give you any more. Then, order this memorial; because Renata is a chief of great responsibility, and if he makes any mistake the mistake will be his, and the responsibility not ours.'" I do not know that it is very important: Do you think that would have satisfied you to see the memorial in the names of these persons whose names were given in by Renata?—Am I bound to answer that question? I would rather not answer it.

*Mr. Stewart:* I will not press it, then.

1400. *Mr. Seddon.*] There are one or two questions I would like to ask you. From what Mr. Bell said, you consider your good name of paramount importance as regards this inquiry?—I do indeed.

1401. On that basis, and with a view of being satisfied myself upon that point, I would like to ask you as to the communications from Mr. Studholme to you, commencing "Dear Fenton." You are on terms of intimacy with Mr. Studholme, are you not? When the question was asked you by Mr. Bell as to whether there were any business transactions between you and Mr. Studholme, you considered it an insult that he should put that question?—That is so.

1402. You were on friendly terms with Mr. Studholme prior to any transactions between you and him?—I was on friendly terms with him. I was, perhaps, on a little more friendly terms with him than I was with you, but much in the same way, occasionally meeting him in Parliament.

1403. Now, to set at rest rumours that have got afloat in this case, I will ask you this: You have resigned your judgeship: is there anything since between you and Studholme that would give a colouring to what is inferred by the memorandum?—I was here with him last year on a matter of private business, as the solicitor to the firm to which he belongs. I was retained by Mr. Green, of Whitaker and Russell, to push forward some matter that he had with the Government; and he was here with me some time last year in communication with the Government.