

be interested in the sittings of the Court?—Notice was given by slips enclosed in an envelope to every person known to have an interest in the land.

892. Now, will you look at the latter part of section 35? It is as follows: "And the applicants shall satisfy the Court on the sitting thereof, before the hearing of the claim, that such notices have been duly served upon such persons or parties; and in the minutes of the proceedings of the Court shall be entered the manner in which the Court was so satisfied." Is that so?—Yes; I read that.

893. You know that?—Yes.

894. That assumed, did it not, that minutes were kept of the proceedings of the Court?—Yes.

895. These were different from the Judge's notes of evidence: these are minutes kept by the clerk, I mean?—I do not suppose that is it.

896. What do you mean by "minutes of the proceedings" then?—Well, when I was sitting I considered my own notes as minutes of the proceedings, except as to the ordinary form of memoranda as to the date, names of the Judges sitting on the bench, what fees were paid, when they were paid, and so on.

897. Well, if you considered that the Judge's notes were the minutes, why did you not, as chief administrator of the Act, insist upon the minutes being kept on record in the chief office at Auckland?—The Judge's notes, I believe, not only in my own Court, but in the Supreme Court, are looked upon as private property; but they were always produced, of course, if necessary.

898. But are you not aware that in the Supreme Court there is a minute-book, independent of the Judge's notes?—Yes, the Registrar's book.

899. Yes: it is called a minute-book of the Court?—But there is nothing else in it.

900. They enter everything as far as I know. Did you enter in the minutes of the proceedings of the Court, as directed, "the manner in which the Court was so satisfied"?—It never struck me before, I must confess; but your interpretation does look more like the right one than the one I have put upon it. The clause was repealed in 1878.

901. Yes; but I mean the Act of 1873. This case was heard before 1878—in 1876 and 1877. I want to ask you this: Did you, as chief administrator of the Act, absolve Judges in any way from carrying out this provision—section 35—that I have read?—Did I assist in carrying it out?

902. No: did you tell the Judges not to carry it out?—I told you, I think, that I do not consider my interpretation as good an interpretation as yours. I did not read the Act in that way. But, at the same time, I should add that in the great bulk of the cases it was impossible to carry out the clause at all, because we never had the names of any counter-claimants.

903. I am coming to that. Did you enter the proof of the notice being served, which has to be given before the Court proceeded with the investigation. That proof, apparently, or manner in which the Court was satisfied, had to be entered in the minutes?—That is the only point which seems to be missing; all the rest was known to the people—that is, the officers.

904. You notice that, apparently, the Judge's duty was to be satisfied that persons likely to be interested had had the proper notice of the sitting of the Court?—Yes. He was perfectly satisfied of that, no doubt, because he knew the rule of the office.

905. Well, I want to know this: Was that preliminary to the investigation—of ascertaining whether the notice had been duly served—carried out?—I do not suppose it was in the sense in which you use the words. I think not. There was an invariable rule of the office; and all the Judges and everybody else had a room to write up their papers, and so they were all aware of it.

906. I will put it to you in this way, then: If you, as Chief Judge, were asked to advise upon a rehearing, and you found that this part of the Act had not been complied with, would you consider that the claim had been properly investigated?—You mean the making of a minute?

907. No: proof being given to the Court that the persons were duly served?—Knowing what I do, of course I should not have thought so. But an outsider I can well conceive now—although it never occurred to me before—an outsider, not knowing what we did know, would say that there had been insufficient notice given, or not sufficient proof of it.

908. But I ask you to put yourself in my position. Reading the minute-book I find there no entry of any proof being given that the notices were served or the Judge satisfied: would you, then, assume that this claim had any right to be investigated till that preliminary had been done?—Supposing your reading is correct, I should say so; but, knowing that this is merely a formal part of it, and knowing that all the Judges, the people in the office, clerks, and interpreter, were aware that the notices were sent always in the same way, I should not consider any impropriety in it.

909. But I put it like this—to come back to this case: You yourself recommended a rehearing of the Owhaoko Block?—Yes.

910. On the ground that there was an absence of positive information about the block?—Yes.

911. And you were aware that when Mr. Locke was pointedly asked if he sent notices, all that he replied was that he suggested a rehearing, not saying whether notices had been served or not?—I take it you are looking at the memorandum.

912. Yes—on page 8?—I see it.

913. You also notice there, do you not, that Judge Rogan, who heard the case, did not seem to be aware whether the notices had been served or not?—No; I think that is so.

914. Well, then, we understand that generally it was the duty of the Judge of the Native Land Court, before he investigated a claim, to ascertain that the notices had been served. That was his duty?—Doubtless it was his duty under the statute; but he knew it himself perfectly.

915. How could he?—Because he was constantly in the office, and he was aware of the regular practice.

916. But the practice would not tell him whether a special notice was served?—Yes: it was regular as the issue of a newspaper.