

1017. *The Chairman.*] Did you consider, as it were, that if the proceedings commenced on a certain date, they were considered as being on the one day?—I think so.

1018. *Hon. Sir R. Stout.*] I put it to you as a question of law now: Do you consider that the Order in Council would have been obeyed if the hearing was not finished within the time limited by the Order in Council?—I would rather not answer a question of law here.

1019. If you like to leave it like that, I do not care?—I mean as a witness: I do not think it is wise. There is a provision in some Acts that orders may be dated as from the first day of it.

1020. However, you do not give any opinion as to whether it would have been legal or illegal?—I think I would rather not as a witness give a legal opinion.

1021. *Hon. Mr. Bryce.*] Would you mind putting it this way: perhaps the witness would be willing to answer whether the Order in Council was complied with by him?—My unwillingness is this: I stated something on a law-point the other day, and I found myself getting into a long argument with the Attorney-General.

*Hon. Sir R. Stout:* Well, it is better for us to state openly one's views. If one differs from a person, let them state it at once, instead of keeping it back.

1022. *Hon. Mr. Bryce.*] Perhaps it would be the best to put the question this way: Did you comply with the Order in Council, directing you to have the hearing of this block within three years, or did you not: was that complied with?—It required that a rehearing of this block should be heard within three years from such a date. It would have been complied if there had been a rehearing.

1023. *Hon. Sir R. Stout.*] If the rehearing had gone on on the 29th October?—Yes, or the 30th.

1024. But if the rehearing had not been commenced until after the end of the month, then you do not say the Order in Council would have been complied with?—I have heard the opinion stated, which I do not know that I quite agree with myself, that if you begin it in time during the sitting of that Court it would suffice. But I do not think I quite go with that myself.

1025. Will you look at the *Gazette*, and see that I am correct: the English notice is dated the 20th, and the Maori the 29th?—Yes; that is a curious thing.

1026. Then, at any rate, you did not think there was any risk of the case not being heard in time by fixing such a late day as the 29th?—I do not think that I fixed the date myself. If I did, of course, I should not have fixed it if I thought there was any danger about it; but, as I told you a few days ago, I told Mr. Dickey to fix it as late as possible, because I did not know that I should be free from the Government, and it is very likely that he forgot it himself, and gave me the formal paper to sign afterwards.

1027. Had the fixing of the date anything to do with the fact that you knew Dr. Buller was trying to get the applicants to withdraw?—No, none whatever. It was a very unfortunate date that was fixed. It was the very date on which the steamer sailed.

1028. Do you know of any similar case ever happening where this question of complying with the Order in Council by a certain date, in your administering of the Act?—No; I do not remember any. You mean where the question has gone to the Supreme Court.

1029. No; where the question has been about a rehearing being fixed so late as really to leave only one day before the last on which the rehearing could be heard?—They were all fixed late; but this was especially late. In this case I gave special orders, because I was engaged with the Government.

1030. Now, this telegram of the 26th, you did not see for some time afterwards: can you fix the day on which you saw it?—On the morning of the 27th.

1031. Of what?—October.

1032. That is, before you left Auckland?—Yes; before I left Auckland.

1033. You saw it on the morning of the 27th; and I understand you to say, in your evidence—I am not repeating it accurately—that you were very much annoyed at it, and at Dr. Buller for his impertinence, or something to that effect? Am I mistaking you?—I answered your question with reference to Mr. Dickey's telegram.

1034. I am speaking of Dr. Buller's telegram of the 26th July, 1880?—Yes; I understand now. When I saw that, I cannot tell you. It was a long time afterwards, when looking over the papers for some other reason.

1035. Then, you do not know when?—No.

1036. Did you take any means of correcting that by minuting on the telegram anything to say it was incorrect?—Nothing at all. I remember I was annoyed, but did not consider it of much consequence, and did nothing with it.

1037. You notice that in your memorandum, or whatever it is, of October—I do not know what date: it is not dated—you simply said, "Ask Mr. Hamlin to open the Court, and adjourn till Monday, at two." You never said anything about adjourning the case, notwithstanding Mr. Dickey had pointedly drawn your attention to the reason for holding it?—But, before I knew of that, I was aware of the rehearing being withdrawn.

1038. The reason you did not do so, then, was that you knew from a telegram that Dr. Buller had sent, on the 26th October apparently?—On the 27th. Yes.

1039. Mr. Buller wired, "*Re Owhaoko*. Withdrawal of application for rehearing fully signed, and forwarded to you to-day by post." And that was the reason that you did not tell him to call on the case and adjourn it: you assumed that this withdrawal was complete?—Yes.

1040. And you minuted on it, on the 27th October apparently, "The application for rehearing is withdrawn." And then follows an undated one?—Yes.

1041. I do not know which was written first?—Of course, I assumed that this telegram was the outcome of that memorandum, and I think that was a fair way of looking at it. Mr. Dickey appears to ask for instructions before he wires. I assumed that as this was undated this was filled in afterwards [showing the positions of the various memoranda on the original document]. That is very curious, as this is not Mr. Dickey's writing.