

1042. At any rate, then, you understood that the application for the rehearing was withdrawn and hence there was no need to adjourn the case. It was ended: you understood so?—Yes.

1043. The case then comes before the Court, and we have a newspaper report of what took place. Can you say if there are any inaccuracies that affect this matter in the newspaper report, and if so, point them out?—Shall I begin at the beginning.

1044. I want to know if you will point out to me anything that you think of importance that the newspaper report has misrepresented?—It is impossible to assume that there were proceedings in the case. I say broadly there were none at all. I cannot call this conversation proceedings in a legal sense.

1045. But I want to know if anything like what the newspaper says occurred in Court or conversation?—I object to it altogether; it makes me talk nonsense. It says, "The Chief Judge said he was in doubt as to how such a course would affect the present title." That is absurd.

1046. But is there anything of substance that you object to?—As a matter of substance, I object to it all.

1047. Are you aware that Dr. Buller asked to represent Natives, and, if so, what Natives?—No, he did not.

1048. I want to know for whom did Dr. Buller appear. We will put it like that?—On behalf of Topia Turoa and Hohepa Tamamutu; but that was not on that day at all.

1049. When did he first appear?—On the second.

1050. Then, he did not appear on the first at all?—No.

1051. Then, this is not correct—that Dr. Buller did appear on Monday, 1st November, 1880. What appears in the minute-book, that Dr. Buller appeared for Renata, is incorrect?—That is incorrect as far as my notes go.

1052. Will you look at your notes, and see whether on the same day there was any succession order in reference to Rangono?—Yes: that came up on the first.

1053. Do your notes contain any reference to Owhaoko before Rangono?—Yes—"Owhaoko rehearing."

1054. Then it does not say whether Dr. Buller appeared or not?—He could not appear, because he appeared next day, and put in his retainer.

1055. Then you say that the newspaper and the minute-book are wrong, and your notes are right?—Yes.

1056. The minute-book is wrong. Then the next thing is that Dr. Buller appears on the 2nd, and puts in a retainer for Topia Turoa and Hohepa Tamamutu, and appears for Renata?—I have got no note of any appearance for Renata. In fact, there was nothing to appear about.

1057. Then Renata was not represented at all?—It seems not.

1058. Well, then, will you explain, if nobody appeared for Renata, why you proceeded to consider the case in Renata's absence?—Well, I cannot tell you what occurred to my mind at the time; but I think that when a legally-constituted Court, consisting of two Judges and an Assessor, has been dealing with this question, and has done certain things judicially, at any rate, in a Court, I do not think it is quite usual to ask one Judge to explain everything.

1059. But you must consider that this is a Court of Parliament, which is a higher Court than any other, and we have met to consider whether there should be a rehearing or not, and we want to get at the facts?—I would not at all depreciate the status of Parliament as a Court; but I dispute that the Parliament of any dependency is a Court.

1060. That is a point, I think, that would be easily settled if you would refer to what Mr. Justice Higinbotham has decided upon the question?—Not that I mean to dispute in any way the authority of the Committee; but what struck me was that there is a legally-constituted Court, sitting in proper form, and whenever anything is done by the Court, it is spoken of in your memorandum as "Mr. Fenton."

1061. I will put it to you this way: You do not now see any impropriety in considering this matter of sending a case to the Supreme Court without consulting Renata Kawepo, or having him before you, or the other persons in whose favour the order was made?—If I had not overlooked clause 50, speaking for myself, and not Judge O'Brien, I should not have sent the case at all, because it seemed the case was clear itself.

1062. But that is no answer. Do you think it was proper for a Court to deal with a matter without having before it some person—Renata Kawepo and the persons in whose favour the memorial of ownership was made?—I thought so then, clearly.

1063. At any rate, you did not understand that Dr. Buller was appearing for Renata. You say he was appearing for Topia Turoa and Hohepa Tamamutu?—I think the impression on the mind of the Court must have been so.

1064. Have you any minute of his appearance for Renata?—There ought to have been some entry, no doubt, about his appearance. I have only his appearance for Hohepa and Topia, and I have not in my notes in whose behalf he asked for the order to be set up.

1065. We will take it that, as far as you remember, he only appeared for Topia Turoa and Hohepa Tamamutu?—According to my notes. Do you think it is right to quote from memory. You asked me what I remembered?

1066. I do not know. You say your notes are a correct record of what took place. We had better say, at any rate, "to the best of your recollection"?—My recollection is this—not recollection, for that is the wrong word: it seems to me that in some irregular way we must have taken it for granted that Dr. Buller represented Renata; otherwise I do not see how we could have sent the case without an application from somebody. We must have had it in our mind that he was there for Renata.

1067. You do not remember whether he appeared for Renata or not. Your notes give that he only appeared for Topia Turoa and Hohepa Tamamutu, and you had no evidence before you that he appeared for Renata at all?—No.