

1896.

NEW ZEALAND.

NEW ZEALAND MIDLAND RAILWAY ARBITRATION:

OPENING OF PROCEEDINGS—ADDRESSES OF COUNSEL.

Laid on the Table by the Hon. R. J. Seddon, with the Leave of the House.

FRIDAY, 22ND NOVEMBER, 1895.

The Court sat at 10.45 a.m., in the Legislative Council Chamber, Parliamentary Buildings.

Hon. EDWARD BLAKE, Q.C., M.P., Umpire.

Sir BRUCE BURNSIDE,

Hon. Sir CHARLES LILLEY, K.C.M.G., } Arbitrators.

Mr. GEORGE HUTCHISON, }

Mr. THEO. COOPER, }

Mr. W. H. JONES, }

Mr. J. W. BURCHELL, } Counsel for the Midland Railway Company.

Mr. GEORGE HARRIS, }

Hon. Sir ROBERT STOUT, K.C.M.G., }

Mr. HUGH GULLY, }

Mr. T. W. STRINGER, }

Dr. FINDLAY, }

Counsel for the Crown.

Sir B. BURNSIDE: As arbitrator appointed by the New Zealand Midland Railway Company (Limited) in this arbitration, I beg to hand in my appointments.

Sir C. LILLEY: As arbitrator on behalf of the Crown I hand in my appointments.

Sir B. BURNSIDE: Before proceeding to any portion of our duties as arbitrators, we have, in fulfilment of the authority in us vested, appointed the Hon. Edward Blake, Queen's Counsel, Member of Parliament, to be umpire in the matter submitted to us, and this is his formal act of appointment which I also hand in. I apprehend that both parties to this reference are before us, either personally or through their legal representative, and I wish to state now that, as Mr. Blake has been appointed umpire, the arbitrators suggest that the parties themselves should, by agreement, consent to his sitting with us, as we propose that he should do, so that he might hear the whole of the evidence and be cognisant of the matters submitted to the arbitrators, and also in order that, in the event of a disagreement between the arbitrators and the matter having to proceed to him as umpire under the reference, no question whatever should arise as to his ability to deal with the matter without his being compelled to go again through the whole of the evidence submitted. Sir Charles Lilley will also express himself on that point.

Sir C. LILLEY: I agree with my colleague Sir Bruce Burnside that that would be the most convenient and desirable mode of procedure, and I suppose that there will be no difference of opinion between the parties as to the wisdom of adopting that course. It would save expense and time. I suppose counsel on either side will be able to say whether full assent is given to that.

Mr. Hutchison: I appear with Mr. Cooper and Mr. Jones on behalf of the company, and the course proposed appears to us to be both desirable and convenient.

Mr. Gully: I appear with Mr. Stringer and Dr. Findlay for the Crown. We are led by Sir Robert Stout, who is unable to be present to-day. We have considered the matter, and we have come to the conclusion that that would be the best course. We therefore consent to it.

Sir B. BURNSIDE: That is, both parties consent?

Mr. Gully: Yes.

Sir B. BURNSIDE: You will send in a joint written consent to that effect subsequently?

Mr. Hutchison: Yes.

Sir C. LILLEY: Are there any reporters present?

Mr. Gully: I believe so.

Sir C. LILLEY: They will have to be sworn. [Messrs Russell and Gore, reporters, were here sworn.]

Sir B. BURNSIDE: We have appointed Mr. S. V. Blake, who is now sitting here, as the secretary to this arbitration and custodian of all documents which may be submitted to us in the course of the proceedings. Next, we fix this as the place of our meetings. We suggest that for the present