

the sittings should commence at the hour of 10 in the morning, with an interval of an hour during the day for some refreshment, and that we should then proceed on to some reasonable hour in the afternoon, say 5 o'clock. We suppose that arrangement will suggest itself as being convenient to the members of the Board who may be present, and to the parties themselves. We now enter upon an act of the arbitration—that is, we ask you to give us the particulars of the matters in dispute submitted to us.

*Mr. Hutchison* : Speaking for the company—which is the complainant in this matter,—I hope the arbitrators do not expect that to be done this morning. We only received an informal intimation of the sitting to-day ; but we shall be prepared at the next sitting to hand in our particulars.

*Mr. Gully* : Might I venture at this stage to say that there are two points which will arise during the course of the proceedings which appear to us to go to the question of jurisdiction. Therefore, in order to save our rights, it will be probably convenient to indicate the points on Monday. They bear on the question of jurisdiction ; and I desire to make this statement before the particulars are handed in, so that our action shall not be deemed to be a waiver of any proceedings we may afterwards decide to take. May I take it that I have leave to refer to the two points I desire to suggest in order to save our rights on Monday morning ?

Sir C. LILLEY : Is there any objection to sit to-morrow ?

*Mr. Gully* : Does not that depend upon what the particulars of claim are ? We might require no time at all to consider them. On the other hand, it is quite possible that it might be reasonable we should have time.

*Mr. Hutchison* : They might give ground for objection.

Sir C. LILLEY : You could also reserve the points until you make your appearance in Court.

*Mr. Gully* : That is probably the course I shall suggest. I am only raising these points at all to save our rights with regard to the particulars ; at the present time we have none, or practically none ; and would it not be convenient that a statement by the claimant on the one side, and a statement by the defence on the other side, should be placed before the Court ?

Sir B. BURNSIDE : I think we must leave that matter to the parties themselves. It is for them to decide whether it is the right course or not.

*Mr. Gully* : I am really making a suggestion to the other side, that the Court would probably be better satisfied if they had the particulars of the claim by the claimants, and the particulars of the defence by the respondents. That is the course we are prepared to adopt if the Court thinks it reasonable and proper. We cannot, of course, deliver ours until we get theirs.

Sir C. LILLEY : You would require reasonable time ?

*Mr. Gully* : If we had the particulars of claim by the morning, we would undertake to deliver our particulars of defence, and would be prepared to go on, on Monday morning. It will not give us much time to consider the way in which we shall frame our defence, but long enough.

Sir B. BURNSIDE : What I understand is that the parties will deliver to us a statement of the matters in dispute.

*Mr. Gully* : We are unable to submit anything.

Sir C. LILLEY : We are not speaking as advisers. What I want to know is, what disputes and differences are to be decided by us as between the two parties, and what we are to consider. We do not wish to take them out from the addresses of counsel.

Sir B. BURNSIDE : I understand counsel will open the matter to us in an address.

*Mr. Hutchison* : I presume the ordinary procedure of our law-courts will be followed—that is, to file particulars and deliver copies ; then to have any preliminary objections disposed of on these particulars, and afterwards to open the case.

Sir B. BURNSIDE : It is almost impossible to lay down a course of procedure further than that it shall be the general procedure applied to such cases.

*Mr. Gully* : I should like to ask one more question : May I be permitted, in order to indicate the points which I am going to suggest on Monday on the question of jurisdiction, to file an affidavit ?

Sir B. BURNSIDE intimated that there was no objection.

*Mr. Hutchison* : What we should prefer is this : to file our particulars in the Court and serve copies on the other side, in accordance with the practice in the law-courts of the colony.

Sir B. BURNSIDE : My impression is that you will prepare a statement of the matters in dispute to be submitted to us for convenience, and that you will give the other side a copy of that statement, so that they may be prepared to deal with it on Monday.

*Mr. Hutchison* : I understand that.

Sir B. BURNSIDE : Will you give us the names of counsel ?

*Mr. Hutchison* : With me are acting Mr. Theo. Cooper and Mr. W. H. Jones.

*Mr. Gully* : With me are Mr. Stringer and Dr. Findlay on behalf of respondent. We are led by Sir Robert Stout, who is at present in Dunedin, but will, I hope, appear on Monday.

At 11.10 a.m. the Court adjourned to 10 a.m. on Monday, 25th November.