

Mr. Stafford's costs. "There the matter rests," you say, "and I do not know that I could have done more than I have done to endeavour to get these costs"?—Yes.

8. Then you were asked this question on page 10: "I understand you, therefore, to say that, so far as you are personally concerned, you have done all in your power to provide the necessary funds to satisfy the judgment?" and you replied, "Yes; of course, if I had power to pay them I should pay them immediately"?—Yes.

9. That is all I wish to refer to in this document, and I put it in. You have always admitted that those costs should be paid?—Yes.

10. And have done your best to get them paid?—Yes. Of course, when you say I have admitted that they should be paid, I admit this: that I consented, after discussion with my legal advisers, and on their advice, that the amount of the costs should be inserted in the decree, and I admit that I ought to pay them had I the means.

11. There are two defences—first, that you are not personally liable; and, secondly, that the Public Trust Office funds are not liable?—Yes; they cannot legally be applied. If I could have legally applied these funds I should have paid the costs as a matter of course like any other charges.

12. Have the costs of your solicitors in the action been paid?—Yes.

13. As between solicitor and client?—As between solicitor and client.

14. By whom paid?—The Treasury, or the country, I suppose.

15. Then, the costs of the unsuccessful litigant have been paid by the Treasury, and the costs of the successful litigant have not been paid by the Treasury?—Yes, as far as I know.

16. Have you the bills of costs?—No.

17. To whom were they rendered?—They were rendered to me. The amount, I think, was £1,051 12s. 9d.

18. What did you do with them?—I had them taxed; I believe I had them taxed. I knew it was no good forwarding them for payment without having them taxed, and if I had forwarded them they would have been sent back to me to have them taxed.

19. Although you were not liable for them?—Yes; and they were forwarded to the Government.

20. Then, you had not the record?—No.

21. I ask you, Mr. Chairman, to ask the Treasury for those costs?—Those were the costs of the action.

22. Can you say to what Minister you sent those costs?—It would be either to the Minister of Lands or to the Premier. Here is the copy of the bill that my solicitor used on the taxation. [Papers referred to.] I forwarded these costs to the Minister of Lands on the 9th October.

23. There were two proceedings directed by "The Horowhenua Block Act, 1896"—one in the Native Appellate Court to ascertain whether Major Kemp was a trustee, and the other in the Supreme Court to ascertain whether Sir Walter Buller had notice of a trust, if any?—I would not like to say what those actions were. That has been the doubtful point all the way through. There were two proceedings directed to be taken, but what the effect was I do not pretend to say.

24. You appeared in the Native Appellate Court by your counsel where one of the two proceedings was taken under the same Act of 1896?—I wish to be clear. Do you refer to the proceedings at Levin?

25. I am speaking of the action taken under authority of the Horowhenua Block Act—at Levin, if you like?—Yes.

26. You appeared by your solicitor, or counsel, in that Court?—Yes.

27. As Public Trustee?—Yes.

28. Did you not make payments to your solicitor and counsel at the commencement or during those proceedings in the Native Appellate Court?—At some period. I cannot say whether it was at the commencement or during the proceedings; but at some time during the proceedings or immediately after payment was made.

29. From what fund?—The General Government.

30. Then, you applied to the General Government for the costs of your solicitor in that Court, and you got the payment necessary to comply with his request for costs?—Yes; it was a lump-sum of £150. I think it was before the Court gave judgment, but after the bulk of the evidence had been taken. Mr. Stafford wrote to me and I got it, or it was sent to him. I think the date was the 3rd June.

31. Then, you were able to get from the Government an advance for costs incurred by you as Public Trustee, and subsequently payment of costs incurred by you as Public Trustee?—Yes.

32. And in both Courts you were the unsuccessful litigant?—Yes, I suppose so. As a matter of fact, I believe I did not appear in the Appellate Court. I believe it was ruled that I had no *locus standi*, and I instructed Mr. Stafford to watch the proceedings.

33. *The Chairman.*] Did you apply to the Government for the costs incurred by you?—Yes.

34. *Mr. Bell.*] You were the nominal plaintiff in the Supreme Court?—Yes.

35. By direction of the Act, the Public Trustee was to bring the action?—Yes.

36. Your counsel were whom?—Mr. Stafford was my solicitor. At a later stage of the proceedings Mr. Baldwin was associated with him, and finally Mr. Cooper.

37. It has been suggested that Mr. Cooper, the leading counsel, took a course which was not authorised by you?—I will tell you exactly what passed between Mr. Cooper and myself.

38. Were Mr. Baldwin and Mr. Stafford present?—The trial was to have taken place, I think, on a Tuesday or a Monday. It was postponed on account of the Governor's arrival, and I think it was the evening before the trial was to go on that I had a final consultation with Mr. Cooper, Mr. Stafford, and Mr. Baldwin. Up to that time I had been advised that a certain course should be adopted, and at that interview Mr. Cooper told me he felt convinced that I could not succeed.