

8. Was there a special appointment made in this case?—Yes; there was a district round Tauranga which was taken in 1864, and it remained in 1878 almost in the same state that it was in in 1864. The reserves were unsettled and undefined, and a block of country, almost as large as from Opunake to New Plymouth, was consequently lying idle. I placed Mr. Wilson there, and instructed him to get the whole thing settled up within twelve months. I also made him Native Land Court Judge. Between myself and the Chief Judge of the Native Land Court there was a difference of opinion as to whether a Judge should constantly occupy the same district, or whether he should be shifted about. I held that a Judge should always remain in his own district, because by so doing he gained a great deal of information that was of great value to him in the settlement of cases; while Mr. Fenton's theory was that it was far better to change the Judges from district to district. Mr. Wilson was not long in office at Tauranga before he received instructions from Mr. Fenton to attend another Court, but I countermanded that order, and wired to the Chief Judge to the effect that Mr. Wilson was to stay where he was. I attribute Mr. Wilson's dismissal to the fact that this disagreement existed between Mr. Fenton and myself.

9. Then it originated in a difference of opinion between yourself and Mr. Fenton?—Yes, I have no doubt of it.

10. You, as Native Minister, could control the action of the Native Land Court?—Yes, so long as I did not interfere with their judgments. I could adjourn the Court, but I could not upset the decisions of the Judges. Of course it is necessary that the Government should have reasonable power.

11. While you were Native Minister you acted on a different principle with regard to the Native Land Court than that which appears to be acted on now. The Chief Judge now seems to be able to do what he thinks fit in the matter of shifting the Judges about?—That is a matter for the Native Minister for the time being to explain. Clause 6 of the Act of 1865 reads thus: "The Court shall consist of one Judge, to be from time to time appointed by the Governor by letters patent under the public seal of the colony, who shall be called the Chief Judge, and of such other Judges as shall in like manner be from time to time appointed, who shall hold their office during good behaviour, together with such Assessors, being aboriginal natives of New Zealand, as the Governor shall from time to time appoint by warrant under his hand, who shall hold their office during pleasure; provided always that if it shall appear necessary at any time to reduce the number of Judges it shall be lawful for the Governor in Council to remove any Judge from his office." This Act was altered in 1873, and the reason of the alteration was this: That about 1872 Sir Donald McLean wished to remove the Native Land Court from Auckland to Wellington, and Mr. Fenton declined to remove, and the alteration was made in order that the appointments should be brought more directly under the power of the Crown. Mr. Wilson was not removed for the purpose of reducing the number of Judges, because three or four new men were appointed, and I may say that I consider Mr. Wilson was not removed for any offence of his own, but for an offence of mine.

12. *Mr. Turnbull.*] While you were in office had you every reason to be satisfied with Mr. Wilson?—Yes, he was an excellent officer, and his work was exceedingly well done; and I am certain that if he had remained in office we should have had the whole of that confiscated land at Tauranga settled by this time.

13. *Mr. Sutton.*] You think the dismissal of Mr. Wilson was the result of a misunderstanding between yourself and Mr. Fenton?—Yes.

14. *Mr. McKenzie.*] You would not think it honorable, after inducing Mr. Wilson to give up his claim, to immediately discharge him from the office of Judge?—No; he ought not to have been removed if he conducted himself properly, except in the event of its being necessary to reduce the number of Judges.

15. *The Chairman.*] The Act says that the appointment shall only last during the pleasure of the Government?—Yes; and the assumption is that so long as a man does his work properly he shall not be disturbed. I may state that all of Mr. Wilson's colleagues on the Native Land Court Bench were reappointed.

Mr. J. A. WILSON examined.

16. *The Chairman.*] You are the petitioner in this case?—Yes.

17. What were the offices you held prior to your removal from the Government service?—I was Judge of the Native Land Court, Commissioner for Tauranga District Lands under the Tauranga District Lands Act, and, acting as empowered under the Commissioners Empowering Act, I had to look after the settlement of Native reserves in the Bay of Plenty District, and I had also to deal with the settlement of outstanding matters connected with confiscated lands in the Bay of Plenty District. I was referred to on almost every Native subject, and was in fact turned into a sort of Native officer, which, I think, was outside my duty.

18. When were you appointed a Judge of the Native Land Court?—In 1878.

19. What salary did you receive then?—£600 a year.

20. Did you receive any salary as Commissioner?—No; my total salary was £600 a year.

21. You say in your petition that, contrary to usage and the regulations of the Civil Service, you were deprived of your position as Judge. How were you so deprived?—In 1880 an Act was passed which contained an implication which was interpreted by the Government to mean the cancelling of the commissions that were held under the Act of 1873. The Act of 1880 repealed the Act of 1873 to a certain extent. I did not take, nor did my legal advisers take, the view that the Government took in regard to this matter. Some of my advisers were of opinion that I was still a Judge, while others were doubtful about it. I consulted more than one legal firm, and the most eminent legal firm in Auckland assured me that there was a doubt about it; but this doubt I consider was removed by the Act of last year, which contained an implication upon an implication. I am now referring to the Native Land Court Act of 1881. My salary was stopped under the alleged operation of the Act of 1880.

22. Then I understand that under the Act of 1880 the Government assumed that your position closed, and the salary ceased with it?—Yes.

23. Did that Act affect other Judges in the same way?—Yes.