

186. Did he act wrong in obeying the order of the Native Minister, who was the head of his department?—I think the Committee is as good a judge as I am of that.

187. Do you think if you told a Judge to sit and finish a particular piece of work and he disobeyed would he have done right?—I think it would be his business to represent that he had instructions according to law.

188. We have it in evidence that he did what he was told in this case by the Minister instead of the Judge. Such being the case, do you think that a reason for dismissing him?—Not for dismissing him, certainly.

189. Or dropping him out when the new appointments were made?—I do not think it would—by itself probably not; but the question is one in which there were other considerations. It would be very curious if a Judge received absolutely distinct orders from the Native Minister and the Chief Judge. I hope the Committee will satisfy itself on that point. I have no recollection of it. The Chief Judge is here and would give evidence, and the papers will show whether it was so or not. [Part of Mr. Sheehan's evidence read.] I cannot express an opinion on that.

190. Was it not worth your while to make inquiries if there were differences of opinion between Mr. Wilson and the Chief Judge?—In a dispute of that kind the highest officer is not necessarily always in the right.—Well, as far as the reappointment of Mr. Wilson was concerned, whatever might have been the merits or demerits of differences in the past, Mr. Wilson showed by his absolute refusal to give up the seals and by the difficulties he created that at any rate he was a very impracticable man.

191. He was rather raw then?—The question was still open; the new appointments were made after that.

192. As far as you know he gave entire satisfaction to the Government before the Act was passed. Government had no cause to complain before that?—As far as I am aware, not. The discharging of the judicial office does not come before the Government.

193. *Mr. J. McKenzie.*] I should like to ask whether, when making the new appointments, the impression on your mind that there was a difference between Mr. Fenton and Mr. Wilson was put there by Mr. Fenton himself?—The difference had transpired in the administration of the office in various ways—mainly, as far as I recollect, in regard to the passing of vouchers.

194. Did Judge Fenton object to the reappointment of Mr. Wilson?—I think he did.

195. *Mr. Levestam.*] Did I understand you to say the Government made these appointments irrespective of the Chief Judge?—I made them after conference with the Chief Judge.

196. But practically you did not accept the recommendation of the Judge?—There were several cases in which the recommendation of the Chief Judge was not taken, and men were appointed without any recommendation from the Chief Judge.

197. In that case would not Mr. Wilson be justified in accepting the dictum of the Minister against that of the Chief Judge?—No; I do not think so. A division of authority would be subversive of the good administration of the Court.

198. There would be only one authority—that of the Native Minister?—But the law says the administration rests with the Chief Judge.

199. *Mr. W. C. Buchanan.*] Do you look upon the question of appointment, which is in the hands of the Government, as quite a different thing from interference afterward?—Quite. When once appointed they are independent of the Government.

200. Did Mr. Wilson make any objection to his removal from the Tauranga District, or did the removal come solely from Mr. Sheehan?—You are asking me a question in relation to matters of which I have no personal knowledge. The papers will show that.

201. *Mr. Levestam.*] Was the Chief Judge's objection to the reappointment of Mr. Wilson the chief bar to it?—I can only repeat that, seeing there were men who, in the opinion of the Government were fit for the appointments, the Government preferred to appoint men with whom there had been nothing disagreeable, to one with whom there had been conflicts, whatever might have been the merits of those conflicts. The question is whether you are to have men who are impracticable, however good they may be, or men who work harmoniously with their department.

202. It appears the conflict was between Mr. Wilson and the Chief Judge?—I know nothing of that. I do not think there should be a conflict. The law distinctly lays down who instructions are to be given by, and instructions should not be given direct from the Government, but through the Chief Judge. The proper course I think, if the Government wished Mr. Wilson to continue at Tauranga, was not to give him instructions direct, but through the Chief Judge, who is the chief administrator of the Native Land Court.

203. It appears that Mr. Wilson did not follow out the orders of the Chief Judge, because he was instructed differently by the Native Minister, and the Chief Judge felt himself aggrieved, and recommended that he was an impracticable man.—It is new to me that there was a disagreement and a conflict of orders, but I knew there had been differences of opinion between Mr. Wilson and Mr. Fenton. How far that affected Mr. Fenton's objection I cannot say, but in the meantime differences had arisen in which Mr. Wilson absolutely refused to comply with my orders. Those orders were legal. I had the solicitor's opinion on them. I would certainly decline to appoint a man who refused to obey legal orders given him, but I do not feel that I am called upon to give any reason for not appointing a particular man when those who were appointed were efficient.

204. *Mr. J. McKenzie.*] Did you consider Mr. O'Brien a more suitable person for the office than Mr. Wilson?—I did not say that.

205. More pliable, I suppose.—Well, less impracticable. The question of pliability does not come in. The Government does not interfere with the Judges.

206. *The Chairman.*] Do I understand you to say that the Minister has no power under the Act of 1873 to override the Chief Judge as to the removal of the Judges?—That is my impression. The question never arose while I was in office. My impression is the law leaves it wholly to the Chief Judge.