

1882.  
NEW ZEALAND.

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## PUBLIC PETITIONS COMMITTEE :

(REPORT ON PETITION OF J. A. WILSON, TOGETHER WITH MINUTES OF EVIDENCE AND APPENDIX.)

*Report brought up 21st August, 1882, and ordered to be printed.*

THE petitioner states that he was Judge of the Native Land Court and Royal Commissioner under "The Tauranga District Land Act, 1867;" that he has been deprived of his appointment as a Judge of the Native Land Court, although it was understood this appointment was to be a permanent one, and in consideration of which he withdrew a money claim on account of commission on Native lands purchased on account of the Government; that he had to remove to Tauranga, which cost him over £500; that he has been put to heavy expenses upon the faith of an understanding which had been broken by the authorities; and that his summary dismissal as a Judge has seriously injured him. He prays the House will cause full inquiry into his case and such relief to be afforded him as may seem meet.

I am directed to report: The Committee are of opinion that the petitioner is not entitled to the compensation claimed for the purchase of Native lands, as such claim was abandoned on his appointment of Judge of the Native Land Court. With respect to the claim for consideration for loss of office, the Committee are of opinion that, owing to a want of harmony between the Chief Judge and the petitioner, it is not expedient in the public interest that he be reappointed a Judge of the Native Land Court; but the Committee recommend that some other appointment in the public service, for which he is suitable, be offered him.

21st August, 1882.

T. KELLY,  
Chairman.

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## MINUTES OF EVIDENCE.

THURSDAY, 6TH JULY, 1882.

Mr. JOHN SHEEHAN, M.H.R., examined.

1. *The Chairman.*] The petitioner states that he was appointed a Judge of the Native Land Court by you in 1878. Is that the fact?—Yes.

2. And he says that there was a verbal agreement made between you, as Minister of Justice, and himself, to the effect that, in consideration of his receiving this appointment, he would forego certain claims which he had against the Government to the amount of £1,050 6s. 10d.?—Yes, I told Mr. Wilson that, if he accepted this appointment which I offered him, he would have to drop all his claims against the Government.

3. Do you think, then, that in taking the Judgeship on those terms he gave up his claims against the Government finally?—Yes; I considered, in my own mind, that his claims were wiped out in consideration of his receiving this appointment.

4. Was there any agreement to the effect that, if the petitioner lost his situation as a Judge, he could revive his claims?—Not so far as I can recollect.

5. Was his appointment different from that of any other Civil servant?—Yes; I think Judges are specially dealt with in reference to their appointments.

6. I wish to ascertain whether, in the written appointment of Mr. Wilson, there was any special condition made?—No, but the tendency has been to regard these Native Land Court Judges as if they were Supreme Court Judges, so far as their tenure of office is concerned.

7. You consider that a Judge of the Native Land Court can only be removed for misconduct or in consequence of there being a necessity for reducing the number of Judges?—Yes, but in this case Mr. Wilson was removed and a number of other Judges were appointed directly afterwards, and I consider that was a breach of the conditions on which he accepted office as a Judge.

1—I. 1c.

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.

24. Were they appointed under the Act of 1880?—Some were and some were not?
25. Did any of them remain on the Bench?—No; they were reappointed.
26. Then the Government considered it would be necessary to reappoint the Judges?—Yes.
27. And you were one who was not reappointed?—Yes.
28. And with regard to your Commissionership, what became of it?—I resigned that office by direction of the Government three or four months afterwards.
29. Did you make any claim for compensation at the time you ceased to be a Judge?—No; I was told to make a claim for what I was legally entitled to, but I did not do so.
30. Why did you not do so?—Because I did not believe that the interpretation of the compensation I would be entitled to would be sufficient to meet my claims.
31. Did you make any claim at all to the Government?—Yes. I claimed my salary three different times. I asked for three months' salary at £50 per month. I was doing duty for three months after I ceased to be a Judge. I was in my office for three months afterwards.
32. You state in your petition that when you accepted the position of Judge there was some understanding come to with the Native Minister?—Yes. Mr. Sheehan can tell you what our understanding was. It was come to in Auckland, but was not reduced to writing. It was not unusual with Ministers to make verbal arrangements with me. I could not dictate to Ministers in these matters.
33. But how can the Committee recognize any arrangement between the Government and an individual when that arrangement has not been reduced to writing?—The Committee can take evidence on the subject.
34. Is there any official record of this arrangement?—I do not think so?
35. Do you consider this arrangement binding on the Government.—Yes.
36. But do you not think there ought to be some record in the office in such a case as this?—Yes, certainly there ought to be.
37. You say that you removed a manufactory from Auckland to Tauranga, and that that removal cost you £400. What was the nature of the manufactory?—It was for the manufacture of sheep-wash, and I was working it at the time I was appointed to the Judgeship.
38. Why did the Minister ask you to move the manufactory to Tauranga?—He wished it done in order to please the people of Tauranga.
39. Then you went to this expense of £400 at the request of a Minister in order to please the people of Tauranga?—I removed at Mr. Sheehan's request.
40. Was the business carried on afterwards by yourself at Tauranga?—It is not working now. I paid an overseer to look after it.
41. There is a reference in your petition to the Chief Judge, who, you allege, unduly interfered with you in the performance of your duties. Had he an over-ruling jurisdiction?—The administration of the Native Land Court is entirely in the hands of the Chief Judge. The financial arrangements of the Court, the appointment and removal of officers, the arranging of the time of sitting, &c., all these things are entirely in the hands of the Chief Judge, or of his subordinate, Mr. Dickey. I do not intend the paragraph in the petition which you have read to apply to Mr. Dickey.
42. Mr. Fenton, the Chief Judge, could not interfere with your decisions?—No.
43. Then in what way did he interfere with your duties?—As an instance, by keeping the Court without funds. Everybody connected with the Court except myself was in debt. In fact the Court must have been in debt at one time to the extent of £275.
44. Are there not proper regulations for the payment of the necessary moneys to the Court?—Yes, but Mr. Fenton refused to pay over the money to the Court. The Court was called in the ordinary way as provided by the Native Land Act: that is to say, the Chief Judge ordered the Court to sit, and appointed me to be the presiding Judge.
45. Where was this Court held?—At Maketu. Mr. Fenton refused to provide the Court with funds because, he said, nothing came of it. I was then compelled to appeal to the Minister of Justice.
46. What reply did you receive?—I got from the Minister of Justice a portion of the funds I required.
47. Is the Committee to understand that you required this money for the usual current expenses of the Court?—Yes, the money was required for paying travelling expenses for the Clerk and the Assessor, each at 12s. 6d. per day, and the salary of the Assessor at 10s. a day; also the Interpreter, £1 1s. per day; also the Judge's travelling expenses at £1 1s. per day, and horse-hire, portorage, &c. The money was required for the purpose of carrying on the Court.
48. You were appointed to preside over that Court by the Chief Judge?—Yes; I have the letter of appointment in my possession.
49. And after a Court is appointed to sit, how is it ended?—After a Court is opened the presiding Judge carries it on until the business is finished or until the Court is adjourned. On this occasion the Court was ended through my having been informed that the new Act had come into force.
50. Did anything of that sort ever occur before?—Yes; at Opotiki I had to do without officers, as I was told that I could not be supplied with a Clerk and an Interpreter. I then offered to find an Interpreter, and I did so, and then I was told that the Clerk of the Resident Magistrate's Court would perform the duties of clerk. The Resident Magistrate, however, could not spare his clerk, and I had to find one myself, and the Court was only half an hour late in opening. But when I sent in the vouchers for these men's salaries the Chief Judge refused to certify them. The Government then returned them to me demanding an explanation, and I had to write a long explanatory memorandum before I got the money.
51. Do you know of any other Judge of the Native Land Court who has been dealt with in the same manner as yourself?—I have heard of a somewhat similar case, but I do not know the facts. I have heard Judge Halse was treated in the same manner.
52. What reason was given for treating you in this manner?—No reason was given.
53. What was the state of feeling between yourself and the Chief Judge?—We were almost strangers to each other. I think, as Judge, I had had only three very short conversations with him.

54. Have you any reason to suppose that you were not reappointed by the Government in consequence of any disagreement between yourself and Mr. Fenton?—Up to the time of my removal I heard nothing at all about any disagreement between us.

55. Did you apply to the Government that you should be reappointed?—I came down and saw Mr. Rolleston, the Minister of Justice, on the subject, and he told me that it was intended to appoint lawyers to the position of Judges of the Native Land Court, in accordance with the recommendation of the Chief Judge. I told him that he had not appointed me, while he had already appointed men who were not lawyers, and he replied, "What am I to say to one who is in conflict with the Chief Judge?" I replied "It is not so; you have been misinformed." If I had misconducted myself there should have been an inquiry.

56. Did you apply for an inquiry?—No, because I had nothing to apply upon. No charges were laid against me. I have since heard from an officer in the department that it was desired to bring charges against me if possible, but that none could be found.

57. Do you hold any documents belonging to the Government?—I do not know whether I hold any documents belonging to the Government. That is a question I should like the Committee to decide. I hold some copies of my own notes made by my clerk. The notes are in connection with inquiries I made with regard to certain lands at Tauranga.

58. You claim that any notes taken by you in your capacity of Commissioner are your own private property?—Yes; but I may say that if the Government had paid me my salary I should have given up the notes.

59. What do you now claim from the Committee. Do you wish to be reinstated in office, or do you apply for compensation in money?—In my petition I claim for money compensation to the amount of £1,111 6s. 10d.

60. How is that amount made up?—I produce a list of the items.

61. What do you claim under your letter of appointment? Did you receive anything?—I received some money. On 17th April, 1875, I received the following memorandum: "*Memorandum for Mr. J. A. Wilson*: In accordance with instructions given to Mr. Wilson the arrangement previously entered into with regard to purchases of Native lands for the Government and other duties, will, from and after the 30th June proximo be subject to the following alterations: (1.) The agreement on the subject of commission will be cancelled, and no more will be allowed. (2.) Mr. Wilson's salary will be £550 per annum, with a travelling-allowance of 10s. per diem for each day when he is absent from his home on duty. (3.) In accordance with the original agreement Mr. Wilson will receive commission on the blocks which he has actually obtained for the Government up to the present date.—DONALD MCLEAN. Gisborne, 17th April, 1875." I then got a stamped permanent appointment as Land Purchase Agent for the General Government at a salary of £550 a year, and 10s. a day travelling allowance. Then, on 27th July, 1875, I wrote a letter.

62. Did you make application for this money at that time?—No; not at that time, because I had received an appointment which was to be of a permanent character.

63. If there was a sum of £1,111 6s. 10d. due to you under contract, why did you not get it?—I had not had time to complete all the blocks I was negotiating for. These were the outstanding blocks which I should have got in in the course of about twelve months.

64. Then it amounts to this: that the purchases had not been completed?—Yes. It was not possible to complete them before Sir Donald cancelled the agreement.

65. And in the meantime you accepted the appointment of a Judge of the Native Land Court?—Yes, on the condition that I was to be a permanent officer; that is to say, that I could not be removed by Mr. Ormond in twelve or eighteen months without cause, as shown by the report of the Committee of the Legislative Council. [Report produced].

66. One of your claims is for £1,050 6s. 10d?—Yes; I asked for that, but I never got it; in fact, my claim for compensation was never attended to.

67. Subsequently to that date did you make any application for the money?—Acting on the advice of my solicitor, I kept the amount out of my imprest account; that is to say, out of money which had been advanced to me as a land purchase officer. Before doing so, I took the advice of Mr Tyler (of Tyler and Rees), and the late Mr. Rogan, of Gisborne, lawyers, and they considered that I was entitled to keep the amount due to me out of the imprest. I may state that at one time it was the practice for land purchase officers to pay everything out of imprest. It happened, however, that Mr. FitzGerald, the Auditor-General, knew more about the Public Revenues Bill than my solicitors did, and he demanded that the money should be refunded. My lawyers then went into the matter again, and found that the Auditor-General was right, the consequence being that I immediately returned the money.

68. And since that time you have not taken any action?—Yes; I sent in a petition to the House of Representatives, but the petition was never heard, although a Select Committee was appointed to consider it. It was arranged between Mr. Sheehan and myself that, when I accepted the office of Judge, I should withdraw my claim for compensation; but now, that I have been deprived of the Judgeship, I have a right to renew my claim.

69. How much would your claim have been if you had only charged for those blocks you had actually purchased during your tenure of office?—These blocks claimed for were actually purchased, but they were not passed through the Court. The Government had all the agreements in their possession.

70. What is the next item in your claim?—It is the difference in salary as between £550 a year and £2 2s. per day—that amounts to £324.

71. Is £1,050 6s. 10d. the total amount of your claim?—No. There is my salary, at £50 a month, during the last three months that I served; the compensations I was entitled to during the time I was Judge, viz., one month's salary for each year's service, or about £130. Then there should be something allowed to me for having taken my family to Tauranga and to take them back again. I could not ask less than £100 for that.

72. Is that the total?—That is one way of looking at it; but I have been fifteen years in the Government service, and that should be remembered. I should not be turned out of the service without some reasonable compensation.

73. What do you think you ought to receive?—I was put to great expense in going down to Gisborne to undertake the purchase of all that coast, and I succeeded in getting nearly all of it. Of course if I had received my higher salary and commission of  $\frac{1}{2}$ d. per acre for that, it would be different; but I take all these things into consideration in making my claim.

74. According to the figures you have given to the Committee, we may assume that you claim about £1,430 altogether?—Yes.

75. Who dismissed you from your Land Purchase Office?—Mr. Ormond.

76. *Hon. Mr. Dick.*] What reasons were given by Mr. Ormond for dismissing you?—A Royal Commission was appointed to inquire into a report that I had made officially to the Government. I have no doubt that Mr. Ormond based my dismissal on the report of the Commission.

77. That report was adverse to you?—Yes, to certain extent.

78. And you got no compensation when you were dismissed?—No; I did not apply for any; but I came to Parliament, and a Committee of the Upper House justified me.

79. And as to the result of the justification of the Upper House, what took place?—I apprehend the result was that I was appointed a Native Land Court Judge. It was in 1877 that the Upper House justified me, and in the following year I was appointed a Judge.

80. Was there a meeting of Parliament between those dates?—No, I think not. Parliament was sitting when I was appointed a Judge of the Native Land Court.

81. Did you refer in your petition to the report of the Upper House?—Yes.

82. And then Mr. Sheehan appointed you?—The Cabinet appointed me.

83. You were appointed in the same manner and under the same conditions as other members of the Civil Service are appointed?—Yes.

84. Were there any special conditions as to the permanence of the appointment?—No; I was subject to the ordinary regulations of the Civil Service, which regulations require that there shall be an inquiry whenever a charge is made which is denied by the accused.

85. You did not ask for an inquiry?—No, because no charge was made against me. I may state that if I had been dismissed for retrenchment purposes I should not have felt myself so aggrieved.

86. Were you offered compensation for the period during which you were a Judge?—Yes; I was told to apply for what I was legally entitled to.

87. And you declined?—Yes.

88. Do you say that when you made this arrangement with Mr. Sheehan, and accepted the Judgeship, you abandoned your claims for compensation?—Yes; I withdrew them.

89. You do not think that the Government had any right to remove you in 1880 without giving you compensation?—I do not think they had any right to remove me without granting me an inquiry.

90. Not even if they had given you compensation?—If they had given me £1,000 at once in lieu of the £600 a year, it would not have compensated me for the loss.

91. *Mr. Turnbull.*] Were you a Commissioner for the purchase of Crown Lands?—Yes.

92. What is your mode of proceeding in purchasing lands from the Natives?—I agreed with the owners as far as I could ascertain them, and then obtained agreements from these owners setting forth the amounts to be paid them. This was all done in as public a manner as possible.

93. On what terms did you purchase land for the Government?—The land was generally purchased by me at from 2s. to 3s. per acre. The land I purchased was nearly all in the back country.

94. I understand that you bought nearly the whole of the coast land at Gisborne?—No; the country lying inland from the coast was what I purchased. During the fifteen years I was serving the Government I was engaged in connection with land questions in various parts of the colony.

95. And you accepted the Judgeship as compensation for any claim you may have had for acreage?—Yes; I accepted it in all good faith.

96. Was the claim for acreage denied by the Government?—No.

97. You state in your petition that you were employed in a district which was in a lawless condition?—Yes; but it is different now.

98. Where was that?—At Maketu. The Maoris were firing bullets over the Courthouse, and the police could not do their duty properly there. In fact the Sergeant of police told me that his men had been wounded in trying to preserve order.

99. What was the strength of the police force there?—There was only one European constable and some Native police.

100. Then you think you ran some risk at that time?—No; not any great risk. We did not think of that at all.

101. A Judge of the Native Land Court does not require to have any legal knowledge?—Yes; a Judge should have a thorough knowledge of the legislation affecting Native lands, of Native customs, and I think he ought to know the language.

102. Judge Fenton telegraphed that he was coming down to hold a Court there?—Yes; but he did not go down.

103. Who has been appointed in your place?—The Minister of Justice telegraphed to Judge Fenton requesting him to make a further communication to me, and presently I did receive a further communication from Mr. Fenton, in which he required me to go on.

104. I understand you to say that there was some implied charge of error of judgment against you in regard to the purchase of land?—No; I do not know of any charge of misconduct having been laid against me. As regards the purchase of land, I reported unfavourably with respect to the line of conduct pursued by certain officers of the Government, who were helping some land speculators that were opposing the Government in purchasing. This was being carried on on an enormous scale, and I

referred to it in a separate section of my annual report. Some of the allegations I made were upheld and some of them broke down. I reported unfavourably in connection with the conduct of a Judge of the Native Land Court, but I have no wish to reopen that matter.

105. I understand you to say that a Judge has been appointed in your place, and that the office has not been abolished?—There are twice as many Judges now as there were then.

106. Who is the Judge of your district now?—No Judge has any particular district now; the North Island is all one district.

107. *Mr. Sutton.*] Had the Government a clear title to this land, for which you charge acreage, in 1876?—No.

108. Then it is not absolutely certain that the negotiations were completed at this time?—No; I charged  $\frac{1}{2}$ d. per acre on the lands I was negotiating for, though the Government had not got the title to the whole of the land.

109. Can you say how much they got the title to?—No.

110. You were dismissed by Mr. Ormond?—Yes.

111. That would be prior to your appointment as a Judge of the Native Land Court?—Yes.

112. Why were your services dispensed with on the last occasion?—I do not know; I am quite in the dark about it.

113. *Mr. Swanson.*] I understand that, whether your claims were much or little previously to your appointment, you settled the whole of this business with Mr. Sheehan when you accepted the Judgeship?—Yes.

114. And having got this Judgeship you were practically starved out of it by the stoppage of supplies wherewith to pay the officials their expenses and salary?—I was starved out of it by having my salary stopped. I kept the Court going though we had to get into debt to do it.

115. Then, however much you were hampered, you did manage to carry on the Court?—Yes.

116. I think you have stated that through the unfriendly interference of the Chief Judge the arrangement between yourself and the Government came to an end, and you were worked out of the job?—Yes; that is my impression. I think it is inimical to a Judge to keep him without money to carry on his Court. I contend that this is a positive injury to a Judge.

117. I understand that what you considered your dismissal came down by telegram to you while you were actually sitting on the Bench, and that you considered you were placed in a humiliating position thereby?—Yes, certainly.

118. And that being the case, you now come back to your original claim?—Yes.

119. Who were the speculators you say you reported unfavourably of?—Messrs. Reid and Cooper, of Poverty Bay.

120. Who formed the Royal Commission that was appointed to consider your report?—Dr. Giles and Major Brown, of Taranaki.

TUESDAY, 11th JULY, 1882.

The Hon. Mr. ROLLESTON examined.

121. *The Chairman.*] This is a petition from Mr. J. A. Wilson, late a Judge of the Native Land Court. I have been informed you were Native Minister in 1880 when the circumstances occurred?—I think I was Minister of Justice, and that the Native Land Court Department was under the Minister of Justice at that time.

122. You have a knowledge of the circumstances under which Mr. Wilson left the Government employment. Yes, generally. I could tell them generally from recollection.

123. Will you state them to the Committee?—The Native Lands Act of 1880 brought the then existing commissions of the Judges to an end, and Mr. Wilson was not reappointed.

124. The effect of the passing of the Act cancelled the commissions of the Judges?—Yes.

125. Then all those Native Land Court Judges who have continued so were reappointed I presume?—Yes.

126. Have you any objection to stating why Mr. Wilson was not reappointed? Was it from any want of ability or from not performing his duties as a Judge properly, or anything like that?—I have not had much to do with Mr. Wilson myself, and cannot speak personally, but I always heard well of his ability. So far as I recollect now new Judges were not reappointed, with one or two exceptions, till some months after the passing of the Act, and in the meantime the Government was considering the question of fresh appointments. Mr. Wilson was not reappointed partly because difficulties arose with him subsequently, and partly—indeed mainly—because he was not recommended. And the other gentlemen who were appointed seemed to have quite as good claims and to be efficient men.

127. Were the difficulties between Mr. Wilson and the Government or between him and the Chief Judge?—Well, Mr. Wilson refused for sometime after the passing of the Act to give up the seals of office, and declined to comply with the requirements of the Government in respect to papers connected with his other appointment as Commissioner of Native Claims at Tauranga.

128. Did he assign any reason for not giving them up?—Mr. Wilson objected altogether to his office being brought to an end.

129. Did he assign as a reason that it was not legally brought to an end?—He did, as far as I recollect; but of that the Government had no doubt.

130. Was there any complaint made with respect to the manner in which he discharged his duties as Judge?—I should not like to say from recollection. The Chief Judge is here in Wellington, and he has the administration of the Native Land Court Department, and would probably be able to give evidence on that point, and I think there are papers connected with it.

131. Still the appointment of Judges rests with the Government?—Yes.

132. What the Committee wish to learn is—looking at the fact that he was a Judge, that the whole of the Judges had their commissions cancelled, that the others were reappointed, and Mr. Wilson was not—why was it? Whether it was through any disagreement between him and the Chief Judge,

or did the Government consider he was not fit?—I scarcely think that the fact of the nonappointment of a man must necessarily be a slur upon him at all. I think the Government are responsible for any appointments they make, but I think it would be scarcely just to individuals to give reasons for not appointing them. Of course I am quite willing to give the Committee any information I have from recollection now. It is no longer, of course, in my department.

133. Then his not being reappointed might be from circumstances apart from his fitness or previous conduct—there may be some other causes?—Yes; I think there may be. I think if a man showed a disposition to be obstructive, however good a Judge he might be, and created difficulties, and if there were other men, in the opinion of the Government, equally qualified, I think the Government would be perfectly justified in putting them in, supposing the cases to be fairly equal in other respects. There was a disagreeable correspondence in this case immediately after the passing of the Act, before any other appointments were made.

134. Previous to the passing of the Act cancelling the commissions was there any difference between Mr. Wilson and the Chief Judge or the Government which rendered his reappointment undesirable?—My belief is that he did not work harmoniously with the Chief Judge. I think the papers would show that, or the Chief Judge would if he was asked to appear here.

135. I presume, in making new appointments to the Land Court, the Chief Judge is consulted?—Not necessarily, and as a matter of practice his recommendations have not been taken in all cases.

136. But he makes recommendations, I suppose, in all cases?—I do not think the Chief Judge made any recommendations at that time. He knew who were to be reappointed, but it was not done at his instance. Mr. Puckey and Mr. Williams were appointed at that time, both of whom had been for a very long time in the service of the Government.

137. What power has the Chief Judge in dealing with the other Judges?—The general powers laid down by the Act for fixing the holding of the Courts, and so on; a general determination as to sittings of the Courts, but not to interfere with the judicial functions of the other Judges.

138. It rests with him to shift the Judges about?—Yes, I presume so.

139. Does he determine the necessary expenses?—He passes all vouchers.

140. Could he stop them if he thought fit?—They would go to the Government with his remarks, and the Government would have the final settlement of the matter.

141. A complaint is made by the petitioner that the Chief Judge did prevent his Court being properly carried on by not allowing the necessary expenses. Are you aware if that was so?—I cannot speak from memory. It may have been so. As I told you a number of differences arose with Mr. Wilson in the administration of his Court; but the Chief Judge would give you evidence on that.

142. In making the reappointments, the Minister who dealt with these cases would have these matters in his mind at the time?—I do not know that I had these matters of finance in my mind; but I had the fact that Mr. Wilson refused to give up the seals, and also that, in respect to the Tauranga office, he put the Government to a large amount of inconvenience—that is with respect to his office as Commissioner.

143. For that office he got no salary, I presume?—Well, nothing was voted for it; but practically the two offices were put together as offices constantly are, and he was to hold the two for the one salary.

144. There is a statement in the petition that when he was appointed Judge in 1878 he surrendered all claims he had against the Government as a Land Purchase Commissioner on the understanding that he was to receive the appointment of Judge permanently. Are you aware of any such engagement?—No, certainly not. I should not be a party to such an engagement with any officer.

145. But this was between Mr. Wilson and Mr. Sheehan.—I know nothing of that at all.

146. The statement is that Mr. Sheehan could not appoint him as Judge until he had surrendered a claim for over £1,000 against the Government. He claims that he surrendered that in good faith on the understanding that he would be permanently appointed, and that the engagement has not been kept.—Do I understand that he purchased his office by foregoing claims to money against the Government?

147. No. Mr. Sheehan says he could not appoint any person to office who had claims against the Government, and that Mr. Wilson surrendered his claims.—I know nothing about it.

148. There is no record of it in the office?—I could not say; it never came to my knowledge.

149. Was any inquiry made with regard to these differences between Mr. Fenton and Mr. Wilson?—No, I do not think so. That did not affect the question of reappointment at the time beyond this, that I was aware there had been conflicts in the past. I was also aware of Mr. Wilson's action with respect to the calls Government made upon him, which was very inconvenient and troublesome to the Government.

150. Then the difficulties with regard to these papers that he would not surrender occurred before the commission was cancelled?—No; anything that happened before that were departmental questions between him and the Chief Judge. This was after.

151. Is it not usual when there are differences between a chief officer and a subordinate for the Government to interfere and settle it?—These differences had merely to do with the question of amount on some vouchers, I think.

152. But are we to understand that if there was any conflict of opinion between the Chief Judge and Mr. Wilson, the effect of which would be detrimental to the public service, the Government would inquire into it and decide who was right and who was wrong?—Undoubtedly, if an appeal was made to them to do so.

153. Supposing that had been done, and that Mr. Wilson had been in error in former conflicts, would not the fact be brought under the notice of the Government in some shape or other at the time of the reappointments?—I do not know that that entered into the consideration of the Government at the time. I do not remember the merits of that conflict.

154. I wish to ascertain did anything occur before the cancellation which induced the Government not to reappoint Mr. Wilson?—Well, I could not say now at this lapse of time. I can only say this,

that generally there would be an impression on my mind that Mr. Wilson was to some extent impracticable, and when there were other men with as great, if not greater claims than Mr. Wilson, naturally I thought Government should appoint men who, other things being equal, had not been the cause of differences and departmental difficulties.

155. *Mr. W. C. Buchanan.*] Has there been any increase in the number of Judges as compared with the number when the Act passed?—[Mr. Wilson's evidence handed to witness.] I should like the Committee to take evidence on that. My impression is that Mr. O'Brien was appointed previously. The only new ones were Messrs. Puckey, Williams, and Brookfield. The statement here is somewhat misleading. Mr. Deighton is the Resident Magistrate at Chatham Islands, and he was appointed only to enable him to sign certain succession orders. Mr. Macdonald holds office also for departmental reasons, so that he may do certain formal matters when the Chief Judge is away from Auckland. There was an arrangement by which Mr. Fenton and Mr. Macdonald both hold the appointment of District Judge, so that one can take the place of the other during the absence of either. Mr. O'Brien was entitled to a pension, so that there was economy in appointing him. Mr. Puckey had been many years in the service, and was a very good officer in every way. Mr. Williams was also an officer of considerable experience and knowledge. So that of these officers Mr. Brookfield was the only new one appointed from outside the service.

156. Does the Chief Judge shift the subordinate Judges about from district to district without any reference to the Government as a matter of ordinary practice, or does he refer the matter to the Government before shifting them?—He does not refer it to the Government.

157. In case of a protest being made by a subordinate Judge as to his being shifted, has the Government power to annul the decision of the Chief Judge should it think fit to do so?—I have no knowledge of any such case arising. It would be a very extraordinary step for the Government to interfere with the arrangement of the Courts. Obviously it would be bringing political influence to bear upon the sittings of the Courts which would not, to my mind, be proper. I know of no such case, and as far as I can judge it would not be a proper thing for the Government to interfere.

158. Supposing a case like this to arise: A Judge might, from a long experience in a certain district, have a large knowledge of the Natives there, and be well acquainted with the circumstances in connection with the lands; supposing the Chief Judge shifted him away, would the Government step in and say to the Chief Judge, "The removal of this officer is undesirable under the circumstances?" My impression is the Government would not step in under the existing state of the law, which gives the administration involved in the distribution of the Judges to the Chief Judge. In Parliament, during the passing of the Act, the independence of the Courts of the Government in matters of the kind was strongly insisted on.

159. *Mr. M. W. Green.*] Mr. Wilson gave as his reason for not giving up the papers that he claimed three months' salary, at £50 per month, in consequence of having performed the duties of Commissioner after his office of Judge was taken from him. Supposing he did perform the duties of Commissioner, there being no special allocation of salary for that office, would he not be regarded as justly entitled to his salary for that three months, and would there be a reason for his retaining the papers until his claim was recognized?—I think your question has two points in it: first, was he entitled to carry on the work, and then, if he did the work, was he entitled to pay? I think certainly if he did the work of Commissioner with the approval of the Government he would be entitled to pay for it, but I have no recollection of his making such a claim; if he did of course it would be decided by the Audit Department. If the Government employed his services of course it would have to pay for them. With regard to the second part of your question—would he be justified in holding back the papers?—He is absolutely bound to give them up. If the Government do wrong there is an appeal to Parliament, but no man has a right to keep back papers and cause the inconvenience which he did.

160. He affirms that they were his private notes, though, were it not for the Government acting as it did, he would have given them up?—I am anxious to know if I am right in understanding that his office as Commissioner was not taken away for three months after his Judgeship.

161. *Mr. Swanson.*] The impression left on my mind was that he got the money for it?—I should like the Committee to take evidence as to the date he gave up his Commissionership. It appears a new matter entirely that he should have held one after the other, and that he made a claim for it. My impression is that he made no claim, but that he considered himself wronged by the action of the Legislature. [Part of Mr. Wilson's evidence read.] I think it will be found, if you take evidence and get the papers, that Parliament rose in September and he sent in a salary abstract for October, and was told the commissions of the Judges had ceased while the Bill was being passed through Parliament. I do not think the facts would bear out that evidence.

162. *Mr. Turnbull.*] You know Mr. Wilson's character and services?—I have no special knowledge of them.

163. In making appointments would you look to have any special knowledge about a man's abilities?—I know nothing about his abilities; I have always heard of him as an able man. I was in the Native Office from 1865 to 1868, and at that time I had no connection with Mr. Wilson whatever. Subsequently I had no personal knowledge of him whatever.

164. What time elapsed between the passing of the Act and the reappointments being made?—The Act was passed at the end of September, and the new appointments, viz., Messrs. Puckey, Brookfield, and Williams, were made in December or January, and in the meantime there were these difficulties I have spoken of.

165. Were there any difficulties before, as to his being shifted to another district by Judge Fenton?—I think there were, but my recollection is hazy; I think there were difficulties about his not holding a Court where he was told, and taking the law into his own hands.

166. Are you aware that he was then acting under the direct orders of the Minister, who knew better that it should be so? Mr. Sheehan said it would be inexpedient to remove a Judge who had acquired a great deal of necessary knowledge in the locality. Therefore in resisting the Chief Judge's orders to go to another locality, this Judge, in maintaining his position, was acting by the orders of the



Native Minister. I want to know if that came before you in any shape.—I could not say that it did. I have a kind of recollection that Mr. Wilson asserted, as against the instructions of Mr. Fenton about holding Courts, that the previous Minister had wished him to remain in a particular locality.

167. It may not be fair to ask such a question, but would that have any influence in the question of reappointment?—That would not by itself. It is a question, when appointments are being made, who are the men who will satisfy the requirements of the office of Judge, and who are fit men to appoint. There was only one man appointed outside the service, and that was Mr. Brookfield. Considering the large interests involved, it was thought advisable to have among the Judges of the Native Land Court a man with legal qualifications.

168. Would a knowledge of law more than compensate for a knowledge of Native customs in dealing with land?—Well, I think that in a large number of cases, where very considerable interests are involved, and where it is essential there should be no mistake which might involve probably large sums of money, there should be two Judges together, one a lawyer and the other a man with a knowledge of Native customs.

169. Does "a knowledge of the law" refer only to laws as to the Natives passed by the New Zealand Parliament?—No; a knowledge of the law and of legal process generally. The monetary interests passing through the Native Land Court are, as a rule, far greater than those passing through the Supreme Court, and it is exceedingly essential to have men of legal qualifications among the Judges.

170. That is, a man acquainted with more than the laws we pass relating to the subject?—Yes, with law generally.

171. *Mr. Sutton.*] Were not Mr. O'Brien and Mr. Macdonald first appointed subsequent to this Act?—So far as I can recollect they were appointed previously also. As I understand Mr. Macdonald draws his salary as District Judge, and Mr. O'Brien's salary is really his pension.

172. I gathered from the evidence that Mr. Wilson's services were dispensed with at the suggestion of the Chief Judge, and that Government, as a matter of fact, never corresponded with reference to it with Mr. Wilson?—Mr. Wilson called upon me at the time during the session after the Act was passed, and I told him that his appointment lapsed with the passing of the Act.

173. The evidence we got from Mr. Wilson was to this effect: that he was presiding at Tauranga, hearing a very difficult case, and in the middle of the hearing he received a telegram from Mr. Fenton saying, "Your appointment has lapsed, and either myself or Mr. Macdonald will come and take up the case.—I have a distinct recollection of informing Mr. Wilson personally what his position was with regard to the Act.

174. Are we to understand that Mr. Wilson had informal notice that his services would not be required after a certain date?—He had formal notice as well, I take it. This would be formal notice to the Chief Judge.

175. Instant dismissal?—The question of the Legislature having passed an Act by which his commission was cancelled.

176. When other Judges were reappointed, and Mr. Wilson was not, was that at the suggestion of the Chief Judge?—I could not say it was done at the suggestion of the Chief Judge, because I think the fresh gentlemen appointed were determined on—not without conference with the Chief Judge; that is, he was consulted.

177. It seems that the whole of the Judges were reappointed with the exception of Mr. Wilson and Mr. Halse?—I think there was another—Major Heaphy was another.

178. Can you tell us whether the state of ill feeling between the Chief Judge and Mr. Wilson was at all the Chief Judge's fault or not?—I cannot say; I never went into that.

179. We have evidence that when Mr. Wilson was once carrying on a Court he was refused supplies by the Chief Judge, and had to apply to the Minister who authorized them?—I hope the Committee will take evidence as to that; the records will show if it was so.

180. We have it from Mr. Wilson, and also from Mr. Sheehan, that such was the case?—I should not like to give evidence on it without seeing the records.

181. *Mr. Swanson.*] I think you said that under the law the Government have no power to order the Judges where to hold Courts; which Act did you refer to?—I think neither in the last Act nor the present is it contemplated that the Government should order the Judges about. The administration is by Act absolutely vested in the Chief Judge.

182. Mr. Sheehan led us to believe that he, as Native Minister, had power to direct where Land Courts should be held, and to direct a certain Judge to sit at a certain place?—I think if the Committee will look at the Act they will see that was not contemplated. My own feeling is that Parliament expressed its wish that the Government of the day should not be practically interested in the administration of the Court by having the power to order the Judges about. It was distinctly the will of Parliament that the Court should be independent of Ministers, and that the administration should be disposed of by the Chief Judge.

183. In appointing Judges you appoint men of known efficiency?—Yes.

184. If a man had been in a particular district for a long time, and had a large knowledge of all the Natives and the several hapus, and all the circumstances connected with the land, that man surely would be likely to be as good a Judge there as a stranger who had never been there before?—Yes, presumably.

185. Mr. Sheehan gave it in evidence that Mr. Wilson was ordered to quit a district where he knew everything and go to a place where he was a stranger, while a Judge who knew nothing of his district was to take his place. This was ordered by the Chief Judge. The Government had large transactions in the district Mr. Wilson was to be moved from, and he was thought to be pre-eminently the man for the place. Mr. Wilson was quite willing to go, but Mr. Sheehan stopped him and told him to stay in his own district and settle the business. In this case was Mr. Wilson right in obeying the Minister instead of the Chief Judge, or did the Minister exceed his power in your opinion?—I do not wish to express an opinion upon the acts of a previous Minister, but I should not consider myself justified in giving absolute instructions upon a matter that the law left to another person.

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.

207. Would not the Minister be responsible where serious questions were involved?—I think where there was a serious question the Minister would take action if necessary to do so.

208. But the law does not give him the power?—I do not think so.

209. Then the safety of the country rests on the Chief Judge?—No, the safety of the country rests with the Government, who can decide whether a Court shall sit at all in a particular place. That question was argued in Parliament, and the House was very undecided whether that power should not be exercised only upon an assurance that there was a danger of war. Parliament was so jealous of any interference by the Government with the Native Land Court.

210. There is only one point then in which Government can interfere with the Chief Judge?—Yes, it can order that there shall be no sitting of the Court.

211. It appears the telegram from Mr. Fenton to Mr. Wilson was sent a month before the passing of the Act, from which it would appear that the Chief Judge had a knowledge of what the Act was to effect—that it would do away with Mr. Wilson. Was any arrangement made with the Chief Judge to that effect?—I cannot say there was any arrangement.

212. Had you any knowledge to that effect?—I knew the Act would cancel all commissions.

213. Did Mr. Wilson know it?—He was not informed by the Government what it was proposed to do in Parliament.

214. Do you know anything about the circumstances under which Mr. Wilson was originally appointed—was it upon Mr. Fenton's recommendation?—I do not know at all.

215. My impression is he was appointed without consulting the Chief Judge. It was three or four years ago when he was Commissioner in the Poverty Bay District, and there was an official complaint against Judge Rogan there.—I do not know at all.

THURSDAY, 13TH JULY, 1882.

Judge FENTON examined.

216. *The Chairman.*—You are Chief Judge of the Native Land Court?—Yes.

217. What are your functions as Chief Judge with respect to the other Judges?—As comprised, I think, in the general definition by the statute, that I am to administer the Act.

218. Do you appoint them to districts?—In the sense in which you, I think, use the word, I do not, because there are no districts. You will find that the Act of 1873 begins by a recognition of districts, and the Act to a certain extent is framed on the idea that in each of these districts a Judge is to be stationed with the necessary department, but long before you get to the end of the Act that idea is abandoned, and the Act proceeds to the end on the assumption that there is to be a sort of copyhold Court. There were never any districts to which Judges were appointed, and in that sense I say that there were no districts.

219. Then are we to understand that when a Court is wanted in any particular district you instruct a Judge to proceed there?—That is the law. I have the rules framed under the Act of 1880. Clause 6 reads thus:—

“6. The Chief Judge shall then transmit the claims to be heard at the sittings, with the counter claims (if any), surveys, plans, and other documents relating thereto to a Judge (with a copy of the notice as aforesaid), whose duty it shall then be to obtain the attendance of an Assessor, and, with him, attend the Court so fixed, and hear and determine matters coming before it.”

220. Then it rests with the Chief Judge to fix the time of sitting of the Court?—Yes.

221. Can that be overridden by the Ministers?—No, not lawfully.

222. Then in what case can the Minister override the action of the Chief Judge in the administration of this Act?—In no matter whatever that I am aware of, except in matters of finance.

223. Cannot he stop the sitting of a Court?—No; he can stop the hearing of a particular case, I think. I will read clause 38 of the Act of 1880.

“38. It shall be lawful for the Governor, before the commencement or at any stage of any case or proceeding under this Act, by notice in writing or by telegram to the Chief Judge or the presiding Judge, to declare that such case or proceeding shall not be tried or proceeded with, and upon the receipt of such notice the jurisdiction of the Court in respect of such case or proceeding shall cease and determine.

“Any such notice may be revoked by the Governor in writing, and upon such revocation the jurisdiction of the Court shall revive.”

224. In the Act of 1873 was there no power?—No power, I believe, to stop the Court.

225. The law in that respect was the same in the Act of 1873 as in the Act of 1880?—I believe so. That clause was one of my framing. The reason was this: very early—in 1866 I think—I had a Court at Maketu. A case came on for trial from an island opposite, called Matiti. It had been a matter of great anxiety to the Government for a great many years—it was one of very great difficulty indeed. The Ministry of the day—Dr. Pollen was one, I think, and it was with him I spoke—said, “You had better not sit there; do not try Matiti; there will be a disturbance.” I said, “I should be very glad not to sit. Write me an official letter saying you think the peace of the colony will be jeopardized if I do. I must decline to take a verbal communication in such an important matter.” There was some correspondence, and finally it was arranged that he should go down to Maketu. He went, and the Court then sat, and everything went off peaceably. After that there was more correspondence, and I told the Government they ought to have power to interfere in cases where they thought the peace of the colony would be jeopardized by my proceedings, and power to interfere was obtained, I think, in Mr. James Richmond's time. Here is section 20 of the Act of 1873, the Act which preceded the Act of 1880:—

“20. It shall be lawful for the Governor from time to time, before the commencement of or at any stage of any case or proceeding, by notice to the Chief Judge or the presiding Judge, signed by himself or by a Minister, or transmitted by telegraph, to declare that such case or proceeding shall not be tried or proceeded with, and thereupon the jurisdiction of the Court in such matter shall cease

and determine, but shall revive with the revocation of such notice. Similarly, and by any like notice, the Governor or a Minister may stop any survey from being proceeded with, at any time and from time to time."

226. How are Judges appointed; do you recommend to Government, or does Government act on its own motion?—I will go over the names. Mr. Munro was my recommendation; Mr. Rogan was not—in fact he was appointed before I was, under the Act of 1862; Mr. Smith was not, that was Colonel Russell's; Halse was not—in fact he was not appointed, he was appointed merely to assess duties originally by Sir Donald McLean; Heaphy was not; Wilson was not; O'Brien was; Brookfield was; Puckey I should not like to give any opinion about; I know for a year or two I resisted it, but I assented in the end; Major Mair was not my recommendation; Mauning was.

227. Macdonald and Deighton?—I did not recommend Mr. Deighton—I did not know him; I merely said that some one must be appointed there, the expense of sending Judges there was so great.

228. Macdonald?—I do not know; I think that was the result of a conversation with Mr. Whitaker. I should like to take credit for it if it was my recommendation, because he is a very good man indeed; but I am afraid I cannot.

229. Then we are to understand they are sometimes appointed direct by the Government, and sometimes by your recommendation?—Yes.

230. When Mr. Wilson was appointed he was acting at Tauranga, and you requested him to remove to some other district, did you not?—No, not that I know of; do you mean living there?

231. Living there, and acting for the Government in some confiscated land business.—Yes, he was carrying out the Tauranga Land Act.

232. Did you find it necessary to remove him?—What do you refer to?

233. It is in evidence that Mr. Wilson was not long at Tauranga before he received instructions from you to proceed to another Court, and that the Native Minister interfered and forbade his removal?—If anything of that sort ever happened I have forgotten it, but I do not think it did. I do not remember ever asking any Judge to remove.

234. Well, if anything of that sort occurred where the Minister countermanded your orders you would have some recollection of it?—That does not follow. If you mean that my orders were reversed I never had any communication of that sort; that I declare absolutely.

235. You did not receive any such telegram?—I cannot recollect ever receiving a telegram interfering with my orders.

236. I will just read to you from Mr. Sheehan's evidence. [Portion of evidence read.] Have you any recollection where he was?—None whatever.

237. That was, to be removed from Tauranga; I do not mean his residence, but simply to attend a Court?—Oh, yes, I gave many such orders. Here is a return, prepared last year by the Registrar, of the Courts I assigned to Mr. Wilson. [Return put in.] (*Vide* Appendix.)

238. When holding a Court at Tauranga and transacting this confiscated land business do you recollect ordering him to hold a Court elsewhere?—I had no knowledge of what he was doing under the Land Act; I had simply to consider my own Act, because the whole of his salary was paid under that Act. If he had other work to do that was no business of mine.

239. Then you do not recollect this telegram of Mr. Sheehan's?—I do not remember.

240. Supposing this conflict of opinion occurred between yourself and the Minister—supposing you instructed a Judge to hold a Court in a particular place and the Minister interfered in this way, what would be your procedure?—I cannot contemplate such a thing; I refuse to assume that the Minister would violate the rules. I do not think I ought to be asked to consider it possible.

241. It is given as a fact that it did occur.—Well, then, the Committee must find their way out of it.

242. You have read this petition?—Yes.

243. There is a statement that you, as Chief Judge, did not allow the necessary expenses for Mr. Wilson's Court.—I received a letter or telegram from Mr. Wilson, in May, 1880, saying, "I shall not be able to do any more work in the Native Land Court this year." I complained to the Minister that it was not fair to my department that it should pay a salary to this gentleman if he was not able to do the work, and said, "I will recommend no further advances for this gentleman."

244. The costs are submitted to you before going to the Minister?—When a Court is assigned to a Judge he sends a paper requesting an advance upon the Treasury. I recommend it, and the Judge then gets a credit at the local bank. After the Court is over the Judge sends in his accounts, and the accountant in my office goes through them, and calls my attention to anything he thinks wrong. I correspond with the Judge, and when it is put right I write "recommended." The accounts are again examined in Wellington, and if there is anything wrong that my accountant has overlooked, it is put right; but as a rule it is allowed on my recommendation.

245. I understand the necessary current expenses were not allowed during the sitting of Mr. Wilson's Court, and therefore persons entitled to payment were going in debt in consequence?—That is a very general statement. I never heard such a statement before. I say, as a general reply, it is not true.

246. Then are we to understand that the necessary expenses were not withheld by you?—No; a Clerk and Interpreter would be sent to Mr. Wilson from my office. That is done in all cases. I have a distinct recollection of Mr. Wilson objecting to the person sent.

247. You recollect the Act of 1880 passing?—Yes.

248. What was the object of that Act?—To remove defects in the Act of 1873, which was very faulty.

249. One of the operations of the Act was to cancel the commissions of all the Judges?—Yes.

250. Was that intended?—Yes, that is always done. That is a principle of law.

251. Then it was nothing new; it had been done before?—Yes, it is always done. Sometimes there is a provision put in that existing commissions are to be renewed and deemed to be held under the new Act. I opposed the cancelling of my own commission in 1873, because I wished it to remain as it was; but it was done.

252. And all the Judges had to be reappointed?—Oh! yes; all were reappointed. I was reappointed myself.

253. Then if your commission is so recent, if it is a new appointment, you would not be entitled to retiring allowance by the Act of 1871?—I think you will find that is not good law. My public service began in 1852. I have been Collector of Customs, District Judge, and half a hundred things. At least I hope your law is not good.

254. On the passing of this Act you telegraphed to Mr. Wilson that his commission was cancelled?—Yes, that is true.

255. Had the Act been assented to then? I thought it had been.—No; I left Wellington before it was assented to. Afterwards a clause was put in delaying its coming into operation for a month. I then telegraphed to Mr. Wilson, again telling him to go on for another month, and that I hoped he would finish in that time. That telegram is not referred to in the petition.

256. Then you telegraphed the second time when you found out your mistake?—I do not think it was a mistake. The clause was put in to facilitate the operation of the Act. As soon as I knew of it I let him know, and he went on.

257. When Mr. Wilson's commission was cancelled by the Act, he was not reappointed?—No.

258. Do you know the reason why?—I think the principal reason was my strong remonstrances.

259. To whom?—The Government.

260. Against his being reappointed?—Yes. I asked the Government before to remove him from my department, because he was of no use to me; because he always pleaded duties connected with the Tauranga Land Act. I said if that is so, let him be handed over to the Tauranga Land Act, because the last four Courts I had assigned to him—Galatea, Tauranga, Uawa, and Ohinemuri—he did not attend at all. I speak from the return. The names are not in my memory, and the result was I had great complaints. The suitors in my Court said it would be a great convenience if a circuit for the year could be arranged at the beginning of the year, so that it would be known long beforehand when Courts were to be held in each place. I said I did not think it would work, but we would try it. So I arranged a circuit of times and places, and published it in the *Gazette*. I was very anxious to preserve it from breaking down, because it was a great convenience, but it did break down, because if one Judge did not attend it dislocated the whole thing, because I had to send another Judge or go myself, or let the thing burst away altogether.

261. Then we are to understand that you assigned Courts to Mr. Wilson on several occasions and he did not attend?—During the whole two years he only attended Galatea; he attended to adjourn it. At Tauranga he sat ninety-two days, and ordered one certificate, which was appealed against, and a rehearing was ordered. At Wellington, three days. I do not know what he did here, as he made no return. At Waiomatatini, assigned to him, he did not attend. At Opotiki, eight days; one memorial ordered, which was unopposed; sixteen cases dismissed, and eight adjourned. At Tauranga, four days; four cases dismissed and one adjourned. At Galatea he did not attend. This was before 1880. In 1880—Tauranga, did not attend. At Uawa, did not attend. At Ohinemuri, "will not attend." So the truth is that during the whole time, exclusive of succession orders, which are trivial matters and do not appear in this list, he ordered only two memorials. Then besides this he sat at Maketu; this was in 1880, when Parliament was sitting, and, oddly enough, more work was done there than had been done before during two years. When Government asked my opinion, therefore, I said let Mr. Wilson go on with the Tauranga Land Act, and not with the Native Land Court.

262. What reason did Mr. Wilson assign for not attending these Courts?—I believe the reason really was, speaking from recollection, that he was engaged under the Tauranga Land Act; but of course that was nothing to me. One thing struck me in the petition. There are the words "inimical character of the administration." If he means official dissatisfaction, that is perfectly true. I have always considered myself responsible to Parliament, and it certainly is my duty to complain of matters of this sort, and let the Government know. That will explain the word "inimical," as officially applied. But as personally applied there is not the slightest truth in it. I never saw Mr. Wilson until after he was appointed, when he called upon me, and we had a very agreeable conversation, and at Tauranga, afterwards, I had a conversation with him again, when he told me circumstances which gave me a strong feeling in his behalf. As an individual, I did not know there was any personal feeling at all until this morning, when he passed me on the stairs. If there is any cause for it I do not know, or have forgotten it.

263. *Mr. M. W. Green.*] The Act of 1880 provides that the Government may step in and stop the hearing of any case. They might therefore stop all the cases, and virtually would not that be the power by implication to stop the Court?—Certainly not. I mean to say that when Parliament gives the Government a power of that sort the power must be strictly exercised. If the Government were to give me formal notice to stop the sittings of a Court I should not obey.

264. But practically Government could stop the sitting by stopping each of the cases to be heard?—Yes; if a formal notice was sent to stop the hearing of each case on the list, which would have to be specified in a schedule attached to the notice, signed by the Minister, then there would be no work for us, and we could go home.

265. There appears to be a conflict of testimony between Mr. Sheehan and yourself as to this telegram. If it was sent to you would it not be in your office?—If such a telegram came to me when I was in Auckland it would be in the office there, but if it came to me when I was in the country it might be lost.

266. *Mr. Sutton.*] It appears the Court was opened at Maketu in June, 1880, and a requisition was sent in in July. Was it usual for a Court to go on for a month or six weeks without any funds being provided?—The rule is that an application is made and funds are put at the Judge's disposal in a local bank before he starts.

267. It appears in this case it was not done, and when a requisition was forwarded to the Chief Judge he said, "I will not recommend any more—nothing comes of it?"—I told the Government I would not sanction any more expenditure about these things—that it was all wasted.

268. It seems to me if while a Court is sitting a Judge finds it necessary to imprest for funds it is placing him in a disagreeable position to find that his expenses will not be sanctioned, and is likely to bring about an unpleasant feeling?—Of course when any man is in difficulties for money, when he expects it and does not get it, it makes him feel uncomfortable.

269. Then it was reasonable that a man should imprest for it?—In many cases there is no previous imprest. I do not have any, nor does Judge Munro, and some of the other Judges. I find the difficulty of sending in accounts every week is very great.

270. Then how do you get the current expenses paid?—Pay them myself and get them refunded afterwards. It comes to the same thing. Some do one and some the other. In this case I do not see where there could have been any difficulty, as Mr. Wilson was within riding distance of his own home.

271. Yes, but a Judge might not always find it convenient to advance the Government £300 or £400?—Very likely.

272. Why did you think the money would be wasted? It appears the Court was sitting for a month.—I have been endeavouring to tell you that for two years nothing was done by Mr. Wilson.

273. But the Court had been actually sitting for a month, and I suppose, whether anything had been done or not, the expenses were entitled to be paid?—I said I would not recommend any more for this office at all. I was in Wellington at the time.

274. I suppose a memorandum being indorsed to that effect by you would not be likely to lead to good feeling?—I do not see that. When we get into a discussion with a superior officer I do not see why there should be ill feeling. During Sir Donald McLean's time I had long discussions with him without ill feeling. I wanted the Government to hand Mr. Wilson over to Tauranga.

275. *Mr. M. W. Green.*] In making the remark that you considered it was money wasted you referred to the whole results of Judge Wilson's labours?—Yes, during two years. Of course I understand this: that I, as chief administrator of the Act, am responsible, as far as I can see my way, for the expenditure of the funds voted by Parliament, and when I knew that in two years, in my judgment, £1,200 had been absolutely wasted, then, at the end of two years, which was surely long enough to wait, I said I would recommend no more, as nothing came of it. I say distinctly before this Committee of Parliament that that is my opinion still.

276. *Hon. Mr. Dick.*] Was not the Court sitting under your instructions?—Yes. I assigned it to Mr. Wilson.

277. Was it not necessary that the funds required by the Court should continue up to the time the Court was stopped?—Yes, I suppose so; that does seem to be so. I am speaking of general principles; I do not recollect the particular circumstances at all. I was in Wellington at the time. I remember the Court to which he was assigned was Ohinemuri; but he sent me a letter, which I think I got in Wellington, saying he would not attend. Whether he mentioned the Tauranga Land Act or not, I do not know. However, he could not attend. Then I said, "Go to Maketu, near your own home; possibly you will be able to attend there without inconvenience." And he went.

278. Would not the way have been to say, "Stop the Court; you are wasting time, but send in your vouchers for what is fairly due, and they will be paid?"—I do not know; it means, as a matter of fact, what the expenses are required for. The Court did not stop until the new Act came into force; it went on till then, and, as I have said, that was the only Court at which any work was done.

279. Did not the Act come into force while the Court was still on, and you sent a letter to Mr. Wilson, saying that now the Act is in force the Court must stop and all action cease, and that you yourself would be there shortly to inquire into the matter?—No; I said, if I remember right, the Act has been assented to or will be, and the effect will be to annul your commission, and I or Mr. Munro will come down and finish the work.

280. *Mr. W. C. Buchanan.*] Did I understand you that sometimes the Judges pay the expenses of the Court out of their own pockets, and afterwards get it refunded?—Yes; I always do so myself; I find it more convenient.

281. Then, as a matter of fact, you lend money to the Government for a short period?—Yes.

282. If you had power to stop Mr. Wilson's Court, why did you not stop the sittings of the Court instead of stopping the supplies?—I had no power to stop the Court; I can postpone one under circumstances of unexpected difficulty—for instance, the rising of a river, or the absence of a tribe. I can postpone a Court before it has commenced, but not stop it after it has commenced.

283. *Mr. Wilson (the Petitioner).*] Were districts created under clause 5 of the Act of 1873?—Yes.

284. Was Tauranga one of those districts?—I do not know; you would find by the map.

285. Did the districts comprise the whole of the North Island, and how many districts were there?—I do not know; nothing came of the Proclamation.

286. Was not the North Island thrown into six districts?—I think a number of districts were proclaimed, but a part of the Island was left out. All the King Country was never included in any district.

287. Yet it was in one of these districts, or a portion of one of them, that I was working.—No, it was not; Judges were not appointed to districts.

288. I am speaking not of appointments, but of operations.—Not as far as I am aware; the district where you were working was all over the North Island—first at Galatea, second at Tauranga, third at Wellington, and so on.

289. Did not Mr. Sheehan, then Native Minister, cause the Galatea Court to be adjourned?—I have no knowledge of it.

290. Does not this letter show it? [Letter handed to witness]—No; quite the contrary, as I read it. I have no recollection of the fact.

291. Perhaps you remember why the Court was adjourned?—I have no recollection at all about it.

292. In reference to your statement that nothing came of my Courts and the return you have there, are you not aware that I disposed of many cases in Wellington?—I am not.

293. Did I not inform you that properties of extreme value in the middle of the city were the subject of contention in that Court all the time I was here?—I have no recollection of it.

294. If I sent you such a telegram it would be in your office?—Yes.

295. Properties in this city near the gas-works and at Pipitea would be of large value, and would be contended by counsel, even if they were succession claims, would they not?—I have no knowledge at all of it. I never received reports on it of any description, so Mr. Dickey says.

296. Did you not receive the awards of the Court?—I do not recollect.

297. Did you not send them down to me at Tauranga to endorse them?—I have no recollection at all of it. I can get all information as to it from Auckland for you.

298. At Patiti, are you not aware that I disposed of all the cases on the list?—I am not.

299. Are you not aware that Mr. Sheehan sent me back from Wellington to Tauranga to prevent my going to Wanganui?—I am not. My interpretation of the law is that if a Minister ordered a Judge contrary to my instructions, the Judge ought not to have obeyed.

300. You are aware that I held another commission under the Tauranga Land Act?—Yes.

301. Are you not aware that when I was ordered to Galatea the second time that I was sitting in another Court at Tauranga—that, in fact, I was ordered to be in two places at one time?—No. Do you mean to say that I ordered you to be in two places at one time?

302. Yes.—Certainly not.

303. Are you not aware that I was in the middle of the Rangioru case when you ordered me to go to Galatea?—You were ordered to Tauranga on the 29th October, and to Galatea on the 3rd December—that is two months between. If the Court at Tauranga was not finished you ought to have let me know. I was not aware till now that you had not finished. One can never tell beforehand how long a Court will last. I make the best arrangements I can, and if a Court is unusually protracted the Judge should let me know. Sometimes a Court is much shorter than is expected. I fixed a Court at Napier and allowed two months for it, and it was all over in one day.

304. When I did not go to Galatea, did you not order Judge Symonds to go?—I do not remember.

305. Are you not aware that Symonds did go?—I cannot remember. Of course if a Court broke down, I should do the best I could to supply it.

306. Are you not aware that I had made application for sick-leave when you ordered me to go to Ohinemuri?—I am not aware of it. I remember you went to Sydney, but I do not know when it was.

307. And Ohinemuri is out of the Tauranga District, is it not?—I have said there are no districts, except such districts as I have established in my book for purposes of convenience.

308. When I held a Court at Tauranga, can you say how many years before the last Court had been held there?—I do not remember.

309. There were arrears of succession cases at that time, were there not?—I really cannot tell.

310. At Maketu there were heavy arrears for twelve years, were there not?—I really do not know. I do not think it is likely, but I do not know.

311. Succession cases are taken first, are they not?—As a rule.

312. And if there are a great many of them they will delay the Court before it gets to the heavy cases?—No; I got through thirty at Waitara in two days, I think. You get through them with great speed. It is very seldom one will occupy more than ten minutes.

313. Are you aware that my orders for memorials have been suppressed in your office, and have not been published in the *Gazette* and the *Kahiti Maori*?—How do you mean suppressed?

314. Not gazetted like the memorials of other Judges.—I think you will find they are certificates of title.

315. I ordered thirty memorials of ownership. One only has been gazetted. Are you not aware that all the others have been withheld?—I am aware of this: that no difference was made between you and the other Judges. You made only one memorial in the two years.

316. You are not aware that I ordered thirty memorials of ownership in the two and a half years?—I am certain you did not. I am sure this return by the Registrar is true. I can get particulars of the Court you held after this return was made.

317. Have you not gazetted one of my awards in your own name?—Not that I am aware of.

318. The Rangioru memorial of ownership—a property worth £25,000; did you not gazette that in your own name?—That was a rehearing. I sat there several days and made the order myself. That certainly was not your order.

319. That implies I did not make the order?—It implies that if you did I overruled it.

320. Is it part of your duty to overrule the order of a Judge?—I can order a re-hearing. I sat there myself and struck out a number of names of minors in the previous list in cases where the parents, and, in some instances, the grandparents, were alive. I began that case myself in 1866 and finished it myself in 1880 or 1881.

321. Should you not have gazetted Rangioru in my name if I held the Court?—I say there are no such facts as you state. I cannot answer a hypothetical question of that kind, founded on misstatements. The thing is simple enough. I found the minute made included the names of about fifty minors, while our precedents went in the contrary direction. I told the parties that I would get the matter put right, and I sat myself and finished the business.

322. Were you not then aware that other Judges had made a practice of including minors?—Yes; I was.

323. Then all the precedents were not against it?—Of course the precedents were not in all cases. I have always endeavoured to stop it, but sometimes these minors have crept in. I do not state that as blaming you, but as saying merely that the case required rehearing.

324. Do you not think you may have been deceived when you were told there were minors in that order?—I may have been mistaken as to some, but I saw some myself who were children, most certainly not six years old.

## APPENDIX.

Mr. DICKEY,—

Auckland, 8th August, 1882.

Annexed is a paper containing remarks by Mr. Wilson, late a Judge of this Court, on the return of his work made out at my request in 1880. Be good enough to peruse Mr. Wilson's statements, and let me have your remarks as soon as possible.

J. D. FENTON,  
Chief Judge.

Mr. FENTON,—

Native Lands Court Office, Auckland, 9th August, 1882.

In preparing returns of work done by Judges of this Court, we never include either testamentary orders or recommendations for appointment of trustees under Maori Real Estate Managements Acts, as the work connected with such orders occupy so little time.

The return furnished from this office in respect of the business transacted by Mr. Wilson in his capacity as a Judge of this Court is substantially correct, with the exception of the omission of the seven days he appears to have sat in conjunction with Captain Heale at Maketu. This omission took place through the Court having been credited to Captain Heale, the presiding Judge.

*Re Galatea* session: Mr. Wilson was instructed to adjourn sitting as stated by him. *Re Tauranga* sitting: Extended over a period of ninety-two days, as stated in our return from Mr. Wilson's statement; it appears that several adjournments took place during that time. *Re Opotiki*: I have it noted that the Court lasted eight days, and on referring to the Minute-book I find that such is the case, the Court having opened on the 13th of August and closed on the 20th. *Re Galatea* sitting: Mr. Wilson was warned to attend, and in reply stated that his present engagements entirely precluded his attending. *Re Ohinemuri*: Mr. Wilson stated he could not attend as he had a Commissioners' Court to hold. He was then warned to attend the Maketu session.

A. J. DICKEY,  
Registrar Native Land Court.

## MEMORANDUM FOR THE PUBLIC PETITIONS COMMITTEE.

BEFORE commenting upon the annexed paper by Mr. Wilson, I desire to remind the Committee of a question of a very remarkable character put to me by him, viz., whether I had not published in my own name a decision made by him in the matter of the Rangiuru Block. Although remembering nothing of what Mr. Wilson alluded to, I felt that I could absolutely deny doing anything of the sort. He then cross-examined me in a somewhat offensive manner as to the date when the Court sat at which I made the order. I was unable to answer those questions, but promised to send to Auckland for the Minute-books. I did so, and, on receiving them from Auckland, wrote to the Chairman desiring to be recalled for further examination. Mr. Kelly informed me that constant engagements of the Committee precluded that being done. I then requested him to come and examine the books, which he was good enough to do. I showed him the minutes of the Court, and the order made by myself.

I also desire to correct my evidence about the first Galatea Court. I find that the adjournment took place by my request. It appears that Mr. Sheehan wired also to Mr. Wilson. In my letter to Mr. Wilson I say that I should not have assented had I known that the adjournment was to be "subject to my approval." Why the communications between Mr. Sheehan and Mr. Wilson, and between Mr. Sheehan and myself should have been different in tenor I cannot explain. But Mr. Wilson appears to be exonerated from blame in that matter.

And here I should wish to explain the history of that return of Mr. Wilson's work. Being very much dissatisfied with his conduct, I desired the Registrar to make out a return of the work done, omitting, as is usual, the trivial matters which occupy no time. He did so, and on receiving it, I thought it my duty to make a strong protest to the Government against an officer drawing all his salary from my department and giving his time and services to another. I enclosed the return. I desired that he might be transferred to the department which occupied his time almost entirely, stating that the Native Land Court was much underhanded, and that it was very unfair that its funds should be thus used. I expected that the Government would send the return, with my letter, to Mr. Wilson, for his remarks and explanation; but they did not do so. I had previously written to the Government calling their serious attention to the embarrassing position in which I was placed by having one of the small staff of Judges unserviceable. This was on receipt from Mr. Wilson of a telegram in May, 1880, stating that he could do no more work for this department for the rest of the year. I urged the Government to transfer him to the Tauranga Land Act Department, which engrossed all his time, and I protested against his being allowed to sign the monthly certificates on which he drew his pay, to the effect that he was actually engaged in the Native Land Court, when we had antecedent notice that he was not. I enclose a form of the pay abstract, which he nevertheless continued to sign [A.]. I never asked for his removal from the public service; that was no business of mine, but merely that he should be transferred to the Tauranga Land Commission Department.

With reference to Mr. Sutton's question as to the advance for the last Court at Maketu, I found on inquiry at the Treasury that Mr. Wilson received the money. My refusal to recommend was a protest to the Government that I would not take the responsibility of advising any further payments to Mr. Wilson. He had just informed me that he could not attend Ohinemuri Court, "having a Commission Court for Tauranga District Lands advertised for same day." I had no expectation that he would attend Maketu Court. Possibly the invitation which he received from the Government to resign his commission of Judge may have affected his conduct. See the correspondence (B.)

I now proceed to notice very briefly (for I am much pressed for time) Mr. Wilson's paper. The tone of it is very unusual in official matters.



1. Galatea: This Court was adjourned owing to the intromission of the Hon. Mr. Sheehan. My memory does not serve to explain the discrepancy of the telegrams; it was done against my judgment. There is no foundation for Mr. Wilson's assertion that this Court clashed with Opotiki.

1A. Maketu: The Registrar explains why this attendance was overlooked: Mr. Heale was the Judge. It appears that Mr. Wilson assisted Mr. Heale for seven days at the close of the Court.

2. Tauranga: The Registrar credited Mr. Wilson with ninety-two days sitting. Mr. Wilson says he sat only twenty-one. I do not see why Mr. Wilson complains of being credited with more work than he did. On examining the books I find that on the 21st September he adjourned the Court "to a time and place to be fixed." This was illegal. During October he did not sit at all. On the 13th November he sat again, and finally adjourned. Mr. Dickey naturally supposed (without going through the books) that he was sitting continuously. The return is strictly correct as to amount of work done, subject to previous explanations. The one certificate which he ordered was appealed against. He complains that rehearing should not have been ordered. The Governor in Council, on my recommendation, thought otherwise. He also complains that it was not gazetted. Certificates are not gazetted. No law requires it.

3. Wellington: Nothing at all was done except successions. Mr. Wilson says, "I only held this Court while waiting at Wellington to give evidence before Native Affairs Committee. When my evidence was finished, the Native Minister directed me to return to my district." I need not remark on this; it displays a state of things quite incompatible with progress of public business, absolutely illegal, and bringing great discredit on my department.

4. Waiomatatini: Mr. Wilson says he did not attend because it was "out of his district." In the first place he had no district. No Judges had or have districts. They have jurisdiction over the colony. In the next place, as far as I am aware, he never made this excuse before. He always pleaded his engagements with the Tauranga Land Commission. I annex an instance of his letters to me, and an example of the letters which I used to write to the Government. (C.)

5. Opotiki: No remark.

6. Tauranga: As this was a remarkable Court, I have extracted some particulars Mr. Wilson puts down as "disposed of" cases that he adjourns, like the man who rejoiced that "that is paid," when he renewed a bill. The annexed paper (E.) will show the way in which the business was done, and also the little importance of the succession cases, which indeed the Registrar has not noticed. Nearly the whole of the time of this Court was occupied in hearing one case—Rangiuru. The case was protracted in a remarkable manner, and the Court ended (apparently) in a *fiasco*. Mr. Wilson committed a man for contempt of Court to imprisonment in Auckland Gaol, with hard labour for three months. I never heard or read of such a punishment for contempt of Court. As soon as I got news of this, I represented the matter to the Attorney-General. He instantly procured the man's release. Mr. Wilson complains of this; for what reason I cannot tell. The sentence was outrageous. The singular idea of the "appropriation" (as Mr. Wilson calls it) of the memorial by myself is another fallacy. I showed the Chairman the minutes of the Court at which I presided when that order was made. Mr. Wilson adjourned this Court to the 4th February without consulting me as to the means of attending it, and having no intention of attending it himself, for he immediately afterwards applied for three months' leave of absence. When February came, being unable to provide for it, I went to Tauranga myself and sat for a few days, and had finally to adjourn it for a whole year.

7. Galatea: I can find no justification for Mr. Wilson in so protracting the Tauranga Court as not to be available for this. I have looked through the minutes, and state this opinion with confidence.

8. Tauranga: Mr. Wilson was not yet (I think) on sick leave. I saw him myself at Tauranga; but he was undoubtedly ill. His error was in adjourning the Court to a date when he knew he could not attend.

9. Uawa: He says, "out of my district." I repeat that he had no district; also, that he never pleaded this excuse before, or I should have corrected him.

10. Ohinemuri: He again uses the excuse "out of my district." I annex his letter. He says that he could not attend because he had a Commission Court the same day. Yet he took Maketu Court, which was on the same day. See my letter.

11. Maketu: This Court had not sat when the return was made, as I explained to the Committee. He says he adjourned this Court for some time on receipt of a telegram from a solicitor appearing before the Court then sitting at Cambridge. It is scarcely credible that such a thing could happen in a Court. I have not examined the proceedings of this Court, but desire to speak of one matter which has come before me, and given me (and will give Parliament, I expect) some trouble. The principal case at this Court was Paengaroa. Mr. Wilson, without authority of law, proceeded to cut up and divide the block amongst a number of tribes (seventeen, I think), and made orders. They are all illegal. He heard cases which were not before the Court, and which he had no power to hear. Legislation will be required to set this right by means of a third hearing. It is somewhat remarkable that parties of the Natives who are alleged to have joined in the congratulations set forth in Mr. Wilson's petition subsequently stopped the surveyors by force, and I have had to give directions to the Chief Surveyor to take no further proceedings. When I left Wellington another party were there trying to get all these mischiefs before the attention of Parliament.

Notwithstanding what I have stated, and the great entanglement that Mr. Wilson's perversity occasioned me, I never requested the Government to do more than transfer him to the Tauranga Land Act. When, however, I was consulted as to the new appointments under the Act of 1880, I was compelled to say that, in my judgment, he (with two other gentlemen) were not competent to fill the situation. I feel bound to add that the tone of the paper which I have been remarking upon affords sufficient evidence of how difficult it must be to get on with this gentleman in the transaction of business.

F. D. FENTON,  
Chief Judge.

(A.)

*Certificate at foot of Abstract and Salary Form.*

I CERTIFY that the individuals named in the above abstract actually employed in the situation and during the period specified opposite name of each respectively.

J. A. WILSON,

Signature of Officer authorised to certify.

(B.)

SIR,—

Native Land Court Office, Auckland, 10th May, 1880.

I have the honor to request that you will be good enough to preside at the sitting of this Court advertised to be held at the place and on the date noted in the margin. (Ohinemuri, 2nd June, 1880.)

You will please warn an Assessor to attend.

I have, &amp;c.,

A. J. DICKEY,

Chief Clerk.

J. A. Wilson, Esq., Judge Native Land Court, Tauranga. (In absence of the Chief Judge.)

Duplicate sent to Judge Wilson at Wynyard House, Auckland, 13th May, 1880.

SIR,—

Auckland, 14th May, 1880.

I have the honor to acknowledge the receipt of your letter of the 10th instant—No. 873.

In reply I beg to state that I am unable to preside at the Native Land Court to be held at Ohinemuri on the 2nd proximo, having a Commission Court for Tauranga District lands advertised for the same day.

I have, &amp;c.,

J. A. WILSON,

Judge.

A. J. Dickey, Esq., Chief Clerk Native Land Court, Auckland.

P.S.—I have a Commission Court advertised for the 14th July next; also another Court to follow.

SIR,—

Native Land Court Office, Auckland, 20th May, 1880.

Having reference to your letter of the 14th instant, in which you report that you are unable to preside at the Native Land Court at Ohinemuri on the 2nd proximo, I have the honor to state that, as the Court sitting at Maketu, also on that day, may possibly be found more convenient in respect of proximity to your other business, I have assigned that Court to you in lieu of the one to be held at Ohinemuri.

I have, &amp;c.,

F. D. FENTON,

Chief Judge.

J. A. Wilson, Esq., Judge Native Land Court, Auckland.

P.S.—You will observe that Rangiuuru is a rehearing, which, if not taken now, will necessitate legislative intervention.

(C.)

SIR,—

Native Land Court Office, Auckland, 28th October, 1879.

I have the honor to request that you will be good enough to preside at the sitting of this Court to be held at the place and on the date noted in the margin. (Galatea, 3rd December, 1879.)

I have further to request that you will warn an Assessor to attend.

I have, &amp;c.,

F. D. FENTON,

Chief Judge.

J. A. Wilson, Esq., Judge Native Land Court, Tauranga.

SIR,—

Government Buildings, Tauranga, 5th November, 1879.

I have the honor to acknowledge the receipt of your letter, number and date as in the margin (79/4146, 28th October, 1879), requesting me to be good enough to preside at the sitting of this Court, to be held at Galatea.

In reply, I beg to state that my present engagements entirely preclude the possibility of my presiding at the Court named.

His Honor F. D. Fenton,

Chief Judge Native Land Court, Auckland.

I have, &amp;c.,

J. A. WILSON.

SIR,—

Native Land Court Office, Auckland, 8th November, 1879.

In forwarding to you the accompanying copy of a letter received by me from Mr. Judge Wilson, dated 5th instant, stating his inability to preside at the sitting of this Court, advertised to be held at Galatea on the 3rd proximo, I have the honor to call your attention to my communication addressed to you on the 18th of last February, in which I reported to the Government that the retaining the services of this gentleman as a Judge of this Court was very embarrassing to me, and I respectfully desired that he might be confined to his duties as Tauranga Commissioner. I now reiterate the request, and beg you to consider what a false position I occupy when liable to receive, and really receiving, such letters as these.

I have, &amp;c.,

F. D. FENTON,

Chief Judge.

The Hon. the Native Minister, Wellington.

(Telegram.)

Wellington, 24th November, 1879.

His Honor F. D. Fenton, Chief Judge, Native Land Court, Auckland.

No. 1134.—I am directed by the Hon. Native Minister to forward for your information and remarks the following telegram addressed to Judge Wilson, and his reply: "G.B., 20th November, 1879, to Judge Wilson, Tauranga, No. 1106.—It has been reported to the Hon. Native Minister that you have declined to hold a Land Court at Galatea, pleading other engagements; I am directed to ask you to be good enough to explain."

T. W. LEWIS, Under-Secretary.

(Telegram.)

Tauranga, 21st November, 1879.

T. W. Lewis, Esq., Under-Secretary, Wellington.

I STATED to the Chief Judge that my present engagements entirely precluded the possibility of my presiding at Galatea Court. The following are said engagements: 1. As Native Land Court now being held at Tauranga, over which I am presiding, will overlap the opening of Galatea Court by at least three weeks, Mr. Chief Judge Fenton should have avoided this complication, which I foresaw as soon as his cast-iron system of Courts was gazetted; it is needless to insist on the fact that a Judge cannot preside at concurrent Courts situated one hundred miles apart. 2. The Tauranga Lands Commissioners, Court for Kaenui, Mangataro, and other Blocks, which was advertised for the 24th ultimo, was adjourned by me to afford opportunity for the present Native Land Court to sit here. 3. When this Court is over that Court will be taken; but, before that, pressing business connected with survey, Government, and otherwise at Opotiki and here must be performed, and then the Auckland work, about three parts finished, be finally completed. 4. Surveys of Mr. Commissioner Clark's Otawa awards have been stopped and interfered with six times by Natives, stations pulled down, trig. instruments taken four times; each time I have managed to get them on. My presence here is necessary to the accomplishment of those surveys, which will last two months longer; the same applies to certain surveys by Natives at Orere, Waoku, and Otanewainuku, which are for settlement of Tauranga land. 5. The Ngaiterangi Chiefs, Hori Ngaitai, Euoka Whanake, and others have been promised a Court for Whareroa, where they live, and for Maunganui, because the Faulkners have surveyed and claimed all their gardens, &c; this also requires speedy attention. 6. I have to go over the Opape Reserve at Opotiki with Mr. Tole prior to cutting it up as soon as his triangulation is completed.

J. A. WILSON.

SIR,—

Native Land Court Office, Auckland, 21st May, 1880.

I have the honor to inform you that in consequence, as he alleges, of imperative duties in other departments of the Government, Mr. J. A. Wilson, of Tauranga, Judge of this Court, is of no service to this department.

With the slender staff of Judges available for the service of this Court, I am, as you are aware, unable to provide for its necessities, and am compelled to avoid several sittings. The unserviceableness of one of the four Judges is therefore a matter of vital importance, and, in fact, so disarranges the department that I fear that I shall have to abolish or suspend the Circuit programme of Courts, which furnished one sitting per annum for each place.

Mr. Wilson having refused to take Ohinemuri Court, I have, as the best thing I could do, desired him to preside at Maketu. Being close to his own residence, he can make some arrangement perhaps which may diminish the public inconvenience caused by his declining to act. But, under the circumstances, I do not feel that I can neglect or postpone what appears to me a clear though painful duty, and that is, to inform you officially that Mr. Wilson is of no use to this department, and I trust that he will be removed and another Judge appointed.

I send by this mail postponements of the Matata and Wairoa Courts, and am anxiously awaiting your answer, so that I may know what arrangements I can make for the other Courts on the list before I go to Wellington.

I have, &amp;c.,

F. D. FENTON,  
Chief Judge.

The Hon. the Minister of Justice, Wellington.

(D.)

## TAURANGA COURT, 29TH OCTOBER, 1879.

[Cases not heard (i.e. tried) marked \*].

New Claims.	Dealt with.	New Claims.	Dealt with.
* Taumata, dismissed (no survey) ...	29th Oct.	* Pukeroa, adjourned to 4th Feb. ...	3rd Dec.
* Oropi, dismissed (no survey) ...	29th Oct.	Ngatipahiho, adjourned	
* Rereioturu, dismissed (no survey) ...	29th Oct.	* Tahunaroa, adjourned to 4th Feb. ...	3rd Dec.
* Paengaroa, dismissed ...	29th Oct.	* Waitahanui, adjourned ...	3rd Dec.
* Waitaha, (No. 1), adjourned to 4th February ...	3rd Dec.	* Kaikokipu, adjourned to 4th Feb. ...	3rd Dec.
		Rangiuru, began November 6.	
Successions.	Dealt with.	Successions.	Dealt with.
* Kirimaene, dismissed ...	29th Oct.	* Matiu, dismissed ...	30th Oct.
* Kirimaene, dismissed ...	29th Oct.	* Matiu, dismissed ...	30th Oct.
* Tako Hamuera, dismissed ...	29th Oct.	* Te Aria, dismissed ...	31st Oct.
* Purangataua ...	29th Oct.	Ngatupara, order ...	31st Oct.
* Ngapire, not done		* Te Aria, dismissed ...	30th Oct.
* Ngapire Marata, dismissed ...	29th Oct.	* Kirimaene, dismissed ...	29th Oct.
* Ngapire, not done		* Ngapire, adjourned ...	29th Oct.
* Ngapire, dismissed ...	29th Oct.	* Ngapire, dismissed ...	29th Oct.
* Ngapire, dismissed ...	29th Oct.	* Nutukara, dismissed ...	31st Oct.
* Ngapire, dismissed ...	29th Oct.	Fairfax, order ...	31st Oct.
* Ngapire, dismissed ...	29th Oct.	Heni, order ...	30th Oct.
* Ngapire, adjourned ...	29th Oct.	Humana, order ...	30th Oct.
Akuhata, order ...	30th Oct.	Hohepa, order ...	4th Nov.
* Matiu, dismissed ...	30th Oct.	Ngatiu, order ...	7th Nov.

SIR,—

24th July, 1882.

Please receive the attached paper exposing the nature of the return *re* my Courts, handed to you in Committee by Mr. Chief Judge Fenton, and oblige

The Chairman, Public Petitions Committee, Wellington.

Your obedient servant,  
J. A. WILSON.

*Return prepared in accordance with instructions from Judge Fenton*

Place.	Date of Commencement.	Date of Ending.	Number of Days.	Cases Heard.
1. Galatea ...	June 19, 1878	...	...	Merely adjourned the cases to Opotiki.
1A. <i>Maketu</i> ...	Aug. 5 ...	Aug. 12 ...	7 days	
2. Tauranga ...	Aug. 14 ...	Nov. 13 ...	92 days ...	Certificate ordered. Appealed against and rehearing ordered.
3. Wellington ...	Oct. 20 ...	Oct. ...	8 [4] days .	Do not know. He made no return; all uncertain.
4. Waioamatatini	July 25, 1879	...	...	Did not attend.
5. Opotiki ...	Aug. 13 ...	20th [16th] Aug.	8 [4] days...	1 memorial ordered; 16 cases dismissed; 1 case adjourned; unopposed.
6. Tauranga ...	Oct. 29 ...	Dec. 20 ...	53 days ...	4 cases dismissed; 7 cases adjourned.
7. Galatea ...	Dec. 3, 1880	...	...	Did not attend.
8. Tauranga ...	Feb. 4 ...	...	...	Did not attend.
9. Uawa ...	Jan. 14 ...	...	...	Did not attend.
10. Ohinemuri ...	June 2 ...	...	...	Will not attend.
11. <i>Maketu</i> ...	June 1 ...	...	...	

A. J. DICKEY,  
Chief Clerk, Native Land Court.

*Remarks by Mr. Wilson upon the foregoing Return.*

[Seen by me for the first time when handed by Judge Fenton to Chairman of Public Petitions Committee, with the statement that it was upon allegations herein he had demanded my dismissal from the Judgeship. Such an act was worthy of the Venetian Council of Ten, and I was sent across the Bridge of Sighs accordingly—by a Minister of Justice!—July, 1882.]

1. Galatea: Galatea Court was adjourned to Opotiki under written instructions from Chief Judge Fenton by letter of 10th June, 1878, signed A. J. Dickey: reason, Galatea Court clashed with the Court then sitting at Opotiki.

1A. *Maketu*: This Court, at which I took 1,700 names for Judge Heale, heard and decided against Chaytor's case in Waitahanui (two days), and began Rau o te Huia, is entirely omitted. Court was adjourned in accordance with instructions from Judge Fenton: see his telegrams of 31st July and 6th August, 1878. This is the Court out of which Judge Heale and I were turned on 5th August by the violence of the Natives. Why is this Court omitted from this list?

2. Tauranga: I sat twenty-one days, and not ninety-two days—namely, from 14th August to 21st August; 23rd August to 9th September; and 19th September, inclusive, twenty-one days in all, exclusive of Sundays. See Chief Judge's letter, 24th September, 1878, ordering Judge Symonds's Court to be held at Tauranga on 15th October, 1878. Certificate 1 (this certificate not gazetted, although signed and sealed by me); testamentary orders, 13; withdrawn, 2; adjourned on application, 4; judgment reserved for Mr. Under-Secretary Clarke's evidence, 4; dismissed, because already adjudicated at *Maketu*, 1; dismissed, no surveys, no jurisdiction, 29: total 54 cases disposed of—namely, all on the list. Native Land Court has no jurisdiction over Tauranga lands. No appeal ought to have been granted upon certificate: *vide* my memorandum to Chief Judge *re* same.

3. Wellington: This statement is untrue; was not sent to Porirua and circuit. See Chief Judge's letter to me 7th July, 1879; also my telegram to him in October, 1878, from Wellington. See also Minute-book of Court in his possession. Testamentary orders, 13; dismissed, no jurisdiction, 21; dismissed otherwise, 12: total cases disposed of in four days, 46. I only held this Court while waiting at Wellington to give evidence before the Native Affairs Committee. When my evidence was finished the Native Minister directed me to return to my district.

4. Waioamatatini: Out of my district.

5. Opotiki: Memorial, 1; testamentary orders, 13; withdrawn, 2; Kaipara claim misent to Opotiki, 1; dismissed, 14: total 31, being all the cases on the list. The dismissals were for non-jurisdiction, no plans, no appearance, &c.

6. Tauranga: Untrue; the following is correct: 1 memorial ordered—Rangiuru; this memorial, appropriated by Judge Fenton to himself in *Gazette* (*vide* No. 31, page 428; Rangiuru, 1st April, 1880); testamentary orders, 8; Government cases adjourned on application of the Crown Agent, 8; dismissed, no surveys, no jurisdiction, &c., 22: total cases disposed of, 39—namely, all on the list. At this Court a Native, whom I had committed for three months for violent outrage upon the Court, was released at the end of six weeks at the instance of the Chief Judge without reference to myself.

7. Galatea: I was sitting upon Rangiuru, in Court at Tauranga, and could not be in two places at once. Chief Judge knew this; see my wire 12th November, 1879: "This Court will not be over by the 26th instant; it will be a very long Court, I fear." See also my wire to the Native Minister 21st November, 1879.

8. Tauranga: This was my own adjourned Court that I was precluded from taking by illness. On sick leave, per medical certificate, or waiting for leave seven weeks.

9. Uawa: On sick leave, per medical certificate, or waiting for leave seven weeks. Out of my district.

10. Ohinemuri: Out of my district. Was sitting at *Maketu* from 1st June, 1880, to 26th September, exclusive of adjournment due to sickness of Assessor, and clashing of Court with Cambridge Court. See telegram from Mr. Sheehan.

11. *Maketu*: This Court omitted altogether. This Court sat about eighty-six days, exclusive of Sundays. Orders of memorial, 27 (these orders not gazetted, although signed and sealed by me); testamentary orders, 9; dismissed because previously adjudicated, 10; adjourned, per instruction of Chief Judge, 66; dismissed, no plans, no jurisdiction, duplicate claims, claimants deceased, &c., 92: total, 202 cases disposed of, being all the claims upon the list.

J. A. WILSON.

SUMMARY of false evidence herein against me secretly tendered by Judge Fenton to the Minister of Justice, and accepted by him.

Galatea: Accused of obeying Judge Fenton's written instructions to adjourn this Court.

*Maketu*: Two Courts at which I presided are entirely omitted. These Courts sat ninety-one days. Did much difficult work, and took nearly 3,000 names upon memorial of ownership and certificate of title.

Tauranga: Omits greater portion of my work. Suppresses fact that I completed the list as far as possible. Debts me with the whole time (thirty days) occupied by Judge Symonds's Te Puke Court at Tauranga, at which time I was at Wellington in attendance on the Native Affairs Committee, &c., and debits me with thirty-one days I was engaged upon commission duties when no Native Land Court was sitting at Tauranga at all.

Wellington, Porirua, and Circuit: Suppresses my work, falsely professing ignorance of same. States I was ordered on circuit and to Porirua.

Waiomatatini : Suppresses fact that Waiomatatini was out of my district.  
 Opotiki : Suppresses greater portion of my work, and the fact that I had completed the list.  
 Tauranga : Suppresses part of my work, and appropriates the credit of the remainder to himself. Suppresses that I had completed the list as far as possible.  
 Galatea : Knowingly required me to sit in two concurrent Courts eighty-five miles apart.  
 Tauranga, Uawa : Saw me ill, and knew I had medical certificate ordering rest. Uawa out of my district.  
 Ohinemuri : Out of my district; was sitting already at Maketu. Unable to preside in two concurrent Courts.  
 J. A WILSON.

SIR,—

Native Office, Wellington, 19th June, 1882.

In accordance with your letter of the 14th instant, No. 46/82, which has been referred to me, I beg to furnish the following report upon the petition of Mr. J. A. Wilson, late Judge Native Land Court and Royal Commissioner under the Tauranga District Lands Act.

Generally I believe the statements made by the petitioner as to the services rendered by him in various capacities to be correct. As an officer of the Native Department Mr. Wilson, who is a gentleman of great ability and considerable knowledge and experience in Native matters, always manifested zeal combined with unusual industry and capacity for work. So far as my experience goes he invariably rendered willing and valuable assistance in any matter referred to him during his period of service; although since his retirement this department has been much inconvenienced by his tacit refusal to give up to his successor as Royal Commissioner Minute-books and other documents relating to the Commission, though repeatedly asked by letter to do so.

In the latter part of 1880 the Native Land Court was transferred from the Native Department to the Justice Department, and it was during this period that Mr. Wilson ceased to hold office as Judge. His appointment, with those of the other Judges, lapsed in consequence of the passing of the Native Land Act of 1880, and he was not appointed under the new Act. I am unable to offer any report as to the reason he was not reappointed.

As Commissioner of Tauranga District Lands Mr. Wilson was in the Native Department; but there was no salary attached to that appointment, which had always been held in conjunction with other offices.

When Mr. Wilson ceased to be Judge it rendered fresh arrangements necessary for continuing the Commission, and it was the intention of the Government that the Native Land Court should be enabled by legislation to deal with the remainder of the lands. Mr. Wilson was written to accordingly by direction of the Native Minister. He was at the same time requested to forward the formal resignation of his commission, and to hand over the records and public property in his charge to Mr. Brabant, who had previously held the appointment of Commissioner, and who still performs the duties without salary, in conjunction with his offices of Resident Magistrate and Native Agent, Tauranga.

Mr. Wilson in due course forwarded his resignation, but has sent in no claim for the compensation for loss of office to which he is entitled.

I forward herewith a copy of the letter addressed to Mr. Wilson, dispensing with his services as Royal Commissioner.

The Chairman, Public Petitions Committee,  
 House of Representatives.

I have, &c.,

T. W. LEWIS,  
 Under-Secretary.

(Telegram.)

Chief Judge Fenton, Auckland.

Government Buildings, 28th October, 1878.

WILSON will leave for Tauranga on Wednesday. Would suggest Halse take his place for cases to be heard in Wellington. Better leave Symonds finish cases at Tauranga, if possible. Wilson will have lots of work with Tauranga District Lands.

JOHN SHEEHAN.

