

to the way they perform. They could be of very great use to the Court in arriving at the real merits of a case, and in shortening the proceedings.

137. If they choose to make themselves what you call a great curse—I suppose that means obstructive—have you any means, as a Judge of the Court, to bring them round to a proper course?—Except by saying, “If this style of things goes on, you shall not appear;” and that would only be preventing mischief inside the Court. I have no power outside the door.

138. I have always understood that lawyers were officers of the ordinary Courts of law, but I understand you to say they are not officers of your Court?—Not in the sense in which they are officers of the Supreme Court. Supposing it came to my knowledge that a solicitor had been guilty of malpractices to a Maori client, I should have no power over him in regard to such practice. I could only say he should not appear in Court any more. I could not make him account for his wrong-doing.

139. *Hon. Mr. Bryce.*] You could not, for instance, strike him off the rolls?—No.

140. As a matter of fact, in regard to the appearance of lawyers in the Court, have the lawyers shortened the cases, in your judgment, as you say they ought to do and could do?—At Waipawa, of course, there were no lawyers. At Taupo there was only one, I think. In that case proceedings were shortened by my having to deal with a lawyer. As to Cambridge, there was nothing shortened there. I am going too far to say there was nothing shortened. I think a fair way of putting it is this: proceedings were not shortened to the extent they might have been if the lawyers had co-operated in shortening them.

141. You have agents who are not lawyers appearing for Natives in the Court?—Yes; they are entitled to do so.

142. What is your experience with regard to the services they render?—At Cambridge there were no agents whatever excepting lawyers or Natives. The Native agents certainly seemed to do the work very well, excepting one or two who were not qualified.

143. Has there not been some rule amongst the Judges whereby European agents other than lawyers are excluded?—I think there was something of the sort before my time. I do not recollect the particular regulation. It is not in force now.

144. *The Chairman.*] Supposing there were no lawyers in the Court, and you had to deal with these Maori agents, could you carry on the business of the Court with satisfaction?—With certain of the agents, certainly.

145. Supposing that both agents and lawyers were excluded, have you any machinery connected with your Court by which you could have arrived at your decision by simply allowing the owners and alleged owners to appear before you in person?—I could have arrived at a decision ultimately, but the proceedings would have been much more prolix.

146. *Hon. Mr. Rolleston.*] Is it the theory of the Court that the determination of title rests upon the evidence that is brought before the Court by the lawyers or other agents, and that the Court has no function itself apart from the evidence that is brought before it?—The Court has to decide upon the evidence that comes before it, but that evidence may be put before the Court by the parties—that is, by their agents; and the Court also has the power to ask any questions or call for any evidence it likes. It must decide on the evidence. Perhaps a more accurate answer would be to say the Court must decide on the facts that come before it.

147. What is the case in a rehearing where no facts come before it; what I mean is a case heard and a decision given in favour of one set of claimants. The Chief Judge determines to grant a rehearing presumably because the judgment given is open to question. Influences are brought to bear outside, which result in no appearance in Court. Would the decision of the Court, therefore, be that the previous decision was right, there being evidence before the Chief Judge that there was reason for doubting the previous decision?—Yes; and, upon an express ruling of the Supreme Court, there was a case not very long ago which decided that very point. My predecessor always held in that case that the original tribal title was revived; in other words, the land became Native land again. I never quite agreed with that myself; still it was always accepted until lately a case was carried to the Supreme Court, and Mr. Justice Richmond decided against it.

148. Is not this coming to a decision only upon facts that are brought before the Court liable to lead to ousting parties who may have a title, but who do not appear in the Court?—I do not think there is any danger of such an occurrence. The difficulty is not the people with a title keeping away, but people without a title coming to the Court.

149. *Hon. Mr. Bryce.*] If the Court is dissatisfied with the evidence before it, or thinks it insufficient, is it competent for the Court to summon itself further evidence?—Yes; certainly.

150. Is that course adopted frequently?—No; for this reason: the difficulty is that a mass of unnecessary evidence is thrust on the Court, rather than that material evidence is kept away.

151. If these so-called purchasers, lawyers, and other agents were altogether removed, you do not, at any rate, apprehend that the Court would fail for the want of the attendance of proper claimants?—Certainly not.

152. *The Chairman.*] Supposing that the lawyers and other agents were excluded from the Court, could the Court devise means by which, through its own officers, it could get cheaply and accurately at the facts of a case?—I hardly think so. Perhaps I might express my meaning by taking a case now before the Supreme Court, *Hunt v. Gordon*. I think it would be impossible for the Judge, without the intervention of some one, to get at the bottom of the case; at all events, not without frequently constituting himself an agent for both parties, and not even then without great delay.

153. Are you aware of the action of the West Coast Commission?—No.

154. *Mr. Hobbs.*] Is it not a fact that there are many cases heard without lawyers appearing?—No doubt it is, but not in my experience.