

Crown; secondly, by licensees of the Crown; and thirdly, by trespassers. I should like to know under which, for it must be under one of these three heads that the claim made against the Crown—and surely we are entitled to know which, and some reasonable particularity under which this timber alleged to have been removed was removed. If we know that, then we shall be able, perhaps, to submit a reasonable proposition of law as to the construction of clause 18; it may be of some use, at any rate, or shorten the proceedings. Obviously they might, under one or some of these heads, have been able to sustain a legal position. Perhaps, although I am not really confident about that, the Crown was liable for the act of the trespassers. I could not say; my friend would assert that, because there may be some untenable points. I should have thought that a person holding a timber-license under the Crown, if he exceed the authority the Crown has given him, would not by such excess injure any legal rights of the Crown; but surely, if licenses were granted to A, B, and C, and they exceeded their power, and cut timber outside the area of their licenses, we are entitled to know what the complaint is. If they say it was under the direct authority of the Crown, well, then, by whom and when? Surely they are not entitled to come here and say, "We do not know our own case," and to say, "We cannot formulate it." They must have some ground—I apprehend we must assume they have some ground, be it good or bad or indifferent; and I suggest that it is wrong that the matter should be left at this stage of the proceedings in this state in a case of this magnitude. There is no provision in arbitration for procedure. The Court lays down its own procedure; but it seems to me that it would have been of great advantage, at any rate, if some such particulars as I have indicated were referred to before, and I ask that they should be furnished now as promptly as possible, but I do not suggest there should be any delay in proceeding with the arbitration in the meantime; on the contrary, I am as desirous as anybody else to go on now that we are here, and all that I ask is that we should be supplied with such particulars and details as will enable us to know with a reasonable degree of certainty what the claim made by the company really is.

*Mr. Cooper*: We recognise that there is a certain amount of reasonableness in Mr. Gully's remarks, and we desire, on behalf of the company, to facilitate the proceedings as much as possible. I believe that we may be able to satisfy my learned friend in every respect; and I may say, in reference to the mining reserves—No. 2 on the claim, a most important branch of these objections—that we expect our expert witnesses this afternoon, and will be able to intimate to him whether we object to the whole of the reserves *en bloc*, or whether there are any particular reserves which we shall not object to, subject to the limitation raised by Mr. Hutchison, as to the taking of the blocks. Mr. Hutchison will refer to that further on. I think Mr. Gully will agree with me that there is no desire to embarrass the Crown. Of course, on a proceeding of this kind, where there are no issues prepared on the one side or the other, there is, necessarily, a little delay; but we do not wish to delay the proceedings or embarrass the Crown. In reference to the timber claims, I think we shall be able to satisfy the Crown as to the particulars claimed, and to give him particulars of the districts we claim in respect of, and the particulars of the heads under which we claim, timber removed by the Crown, whether under licenses wrongfully issued by the Crown—not that such were abused, but that the Crown had no right to remove timber at all—or whether removed by trespassers under circumstances throwing the onus on the Crown.

Hon. E. BLAKE: You will give such particulars of time, place, and circumstances, and substantially comply with his demand as to No. 3? When?

*Mr. Cooper*: As soon as possible. We anticipate having a day of leisure to get these particulars.

Hon. E. BLAKE: You think you will be able to get them to-morrow?

*Mr. Cooper*: Yes, even if we have to do it to-morrow.

Hon. E. BLAKE: Oh! I shall be glad, if you cannot supply them wholly, to do so at least in part.

*Mr. Cooper*: I should be very sorry if the Crown thought we were holding back the details. We are doing nothing of the kind. We are trying to give as little embarrassment as possible to the Crown.

Hon. E. BLAKE: You have not said anything at all about claim No. 4.

*Mr. Cooper*: I understand my friends do not seriously press that. We handed in a pretty full list. His objections seemed mainly to be comprised in this: that he wants to know whether we insist upon the Tadmor as being within the authorised area.

Hon. E. BLAKE: One method of dealing being applicable on one side of the range, and another being so on the other. We have to deal with small things as well as big.

*Mr. Cooper*: He may take it that these are the company's contentions.

*Mr. Gully*: There is just this reservation: That, if my friend proves applications under clause 33, it does not follow as a matter of fact that it is not correct, that all the applications were made to us—to the Crown. That shows there is some reasonable ground for asking that that claim should be formulated.

Hon. E. BLAKE: It seems to be comparatively narrow and easy of formulation, and even tends to facilitate and expedite things. We will have to know in a few days, any way.

*Mr. Gully*: I have not tried to exaggerate as to any particular clause. All that I suggest is that we should know what they are claiming.

*Mr. Cooper*: Probably we will have a meeting with Mr. Gully later on, and seek to arrive at a satisfactory solution of this.

Hon. E. BLAKE: Any suggestion to be made as to these claims under claim 3 is to be satisfied; and, as to number 4, that is also to be satisfied. The mining one is the only one upon which I think anything at all can be said.

*Mr. Gully*: I do not desire to say anything further. I have said nothing to the Court as to the formation of damages, and I do not propose to say anything, because we have had a note in