

THOMAS HUGHAN, examined.

1. *Mr. Haggitt.*] Your name is Thomas Hughan, and you are a Ranger of the Waste Lands Board?—Yes.
2. Do you know Thomas Johnston?—Not personally.
3. Do you know where he lives?—I do.
4. What is he?—A labourer. His family are at Outram. I saw his wife there.
5. When?—On Monday evening.
6. Last Monday evening?—Yes; the 4th June. He had left that morning for Strath-Taieri. He is working there, I believe.
7. He is working, you believe, at Strath-Taieri, and you called at his house on the 4th June?—Yes.

8. Please look at this [handing summons to witness], and see if you left a duplicate of it at his house on that day?—Yes; I left a duplicate of that at his house.

*Mr. Haggitt:* The summons recites that, “Whereas by ‘The Commissioners’ Powers Act, 1867,’ it is enacted that it shall be lawful for any Board or Commission to summon in writing under the hand of the Chairman or any Commissioner or member of the Board any person whose evidence shall, in the judgment of the said Board or Commission, be material to the subject-matter of the inquiry to be made by such Board or Commission, to attend the said Board or Commission, at such place and time as shall be specified in such writing: And whereas by ‘The Land Act, 1877,’ it is enacted that every dispute and difference relating or incident to the sale, letting, disposal, and occupation of Crown lands, or to the interpretation or meaning of any enactment relating to or in connection with Crown lands, or to any matter or thing done under any such enactment, shall be heard and determined by the Board: and for the purpose of any such hearing every Land Board shall have all the powers of a Board or Commission appointed by the Governor in Council under ‘The Commissioners’ Powers Act, 1867’: And whereas a dispute and difference has arisen with reference to the alleged purchase by Thomas Johnston, of Outram, farmer, on the 28th day of February, 1883, of section 2, Block VI., Strath-Taieri District, in the Provincial District of Otago, the said section being pastoral lands set apart by the Governor for sale on deferred payment within the boundaries of the Otago Land District: And whereas the Land Board of the Otago Land District have, in pursuance of the powers vested in them by the Land Act of 1877, resolved and determined to hold an inquiry with reference to the said alleged purchase of section 2, Block VI., Strath-Taieri District, by the said Thomas Johnston: And whereas the said Land Board have resolved that the evidence of you, the said Thomas Johnston, is material to the subject-matter of the inquiry so to be made by the said Board, and that you should be summoned to attend on Thursday, the 7th day of June, 1883, at the office of the said Board, in the Government Buildings, Princes Street, Dunedin, to give evidence on the said inquiry: Now, therefore, I, the undersigned, James Pillans Maitland, as and being the Chairman of the said Land Board, and also a Commissioner thereof, do hereby command you that, laying aside all and singular business and excuses, you be and appear in your proper person before the Land Board of the Otago Land District, at the office of the Land Board, in the Government Buildings, Princes Street, Dunedin, on Thursday, the 7th day of June next, at the hour of eleven o’clock in the forenoon of the same day, then and there to testify all and singular those things which you know with reference to the alleged purchase by the said Thomas Johnston of the said section 2, Block VI., Strath-Taieri District, upon deferred payment upon that day, to be inquired into by the said Board.” Power is given under the Act to serve the summons “by the delivery thereof” to the person summoned, “and by leaving thereof at his usual place of abode.” Having now proved the service of this summons in the latter way, the proper course for the Board to pursue is to call Mr. Johnston on his summons.

Thomas Johnston was then called thrice on his summons, but did not answer to his name.

James Smith was called thrice on his summons, but did not answer to his name.

EDWARD THOMAS COLLINSON, examined.

9. *Mr. Haggitt.*] You are my clerk, and you know Mr. James Smith, barrister?—Yes.
10. Did you serve a duplicate of this summons [produced] on him, and, if so, when?—Yes; at his office on the 30th May.
11. Did you serve it on him personally?—Yes.
12. Did he say anything when you delivered it?—We had some conversation, but not in reference to his own summons, but in reference to the summonses of some shepherds on the station.
13. What did he say?—After serving Mr. Smith with his summons, I mentioned to him that four of the shepherds on the station had been summoned, but that the Board did not wish to put them to any inconvenience. If it would convenience them that two of the shepherds should come this Thursday and two the following Thursday, we should be prepared to consent to that course. Mr. Smith said that he did not suppose that they would attend, and that he looked upon the thing as all moonshine.
14. You did not tender Mr. Smith any expenses?—No.
15. He does not require any being a town witness?—No.

George William Pogson was called three times upon his subpoena, but did not answer to his name.

EDWARD THOMAS COLLINSON, examined.

16. *Mr. Haggitt.*] Did you serve a duplicate of this summons [produced] on one Mr. Pogson; and, if so, how, where, and when?—Yes, at Dunedin, on Monday, the 28th May, personally.

17. Did he say anything when you served it?—I asked him what he considered would be his travelling expenses in coming in from the station, in case he went out of town. He told me they would be £1 10s. each way.