

you did not supervise the work of Mr. Dickey, such as looking over the papers dealing with such large blocks of land?—I looked over the papers he placed before me, for he opened all letters. Unfortunately I was a great deal away from home. Absence would probably explain how there was no minute on that paper.

1233. There are a great many papers with no minute on them that you seem to have seen, judging from the action taken afterwards?—I was going to say, in consequence of my long and frequent absences I got Mr. McDonald appointed to do my duty when I was away; and the papers when I was away were placed before him.

1234. He is away also, it appears?—I cannot say. He was appointed for the purpose of doing my office-work during my absence. I think it is rather hard that anything I cannot explain after this lapse of time should be set down against me.

1235. It seems extraordinary that, if a thing is directed to you, and your special attention is directed by the Clerk, how you can remember that you did not see it?—I explained it. I know that if I had seen it I should have written on it.

1236. Then I put it like this: You may have seen certain things, but unless your minute is on them you cannot remember having seen them?—I go further than that. I say my rule was to write something on every paper I saw, and the very fact that nothing is written is satisfactory evidence to my mind that I never saw it. I do not pretend to remember it, of course.

1237. *Mr. Stewart.*] I understand you to say that such a rule came into existence late in the course of these proceedings?—No. It was a rule that I acquired in the Attorney-General's office. That is so. When I put a paper before the Attorney-General I used to get him to write "Seen" upon it as evidence that it had been before him.

1238. *Hon. Sir R. Stout.*] I suppose there is no doubt you saw the retainer of Mr. Buller from the two Natives?—Topia, do you mean.

1239. Yes—Topia and Hohepa?—Yes; I have a note of it.

1240. There is no mark of it on the paper?—But that was not an administrative thing—it was in the Court.

1241. Very well; that is an explanation. Then there is a letter here, which says, "I have the honour to forward herewith a formal withdrawal of the application of Topia Turoa and others," &c. There is no minute on that of you having seen it?—Of course it was handed up to me in Court—the paper itself.

1242. Well, then, here is an application addressed to you, dated the 25th October, 1880, amongst Buller's papers. There are no marks upon them. I suppose they were handed to you in Court also, and that is the reason you have not minuted them?—I stated the rule which I adhered to—I stated it very broadly.

1243. Then I put it to you this way: The papers handed in to you in Court would not be handed in to you unless you had something to say about them?—Yes.

1244. This telegram, then, sent to you by Mr. Dickey, would have been handed in to you at the Court by the Clerk?—I think I stated that Mr. Grey, or whoever was the Clerk, would open it and hand it to me. Of course I do not pretend to remember anything about it, but probably he would do so. As I told the Committee, I was at that time—referring to my notes—taking down a pedigree, which is a very intricate and difficult thing to do, and requires the closest attention. I said I presumed that I handed it back to Mr. Grey, and that, as no minute was made upon it, I never saw it again. The probability is that I never saw it at all.

1245. I notice a minute here by Mr. Grey, pasted on the papers, "Mr. Fenton, shall you want these papers to make out a case for the Supreme Court, or shall I send them back with the other papers to Auckland"?—That means the whole file, I suppose.

1246. No; it means the papers Dr. Buller got signed by the Natives at Tokaanu?—Does it?

1247. Yes; it is pasted on them?—I think it is very likely Mr. Grey went back by sea, and I went back by land. He would want to know if I would take the papers with me.

1248. It is marked here "To Auckland." Apparently you have told him to send them to Auckland?—Yes; of course I should.

1249. Then that will recall to your recollection that Mr. Grey was the Clerk of the Court?—Yes, I remember now he was. I went back by land, and he went back by sea. He was a month earlier than I was, in his arrival.

1250. Now, would you consider that Mr. Dickey was fulfilling his duty properly if he did not draw your special attention to such a letter as this of Heperi Pikirangi's, complaining of Dr. Buller, and the manner in which the withdrawal of the rehearing had been obtained?—I should not like, if I may be allowed, to make any statement upon the way in which anybody discharged his duty unless it is absolutely necessary. I do not want anybody else to be brought into this affair as I have been.

1251. *The Chairman.*] It is only one special fact, in reference to this letter that should have been brought before you. You are not asked as to the general performances of his duties?—If Mr. Dickey had any letter and did not put it before me, I should think he did wrong; but I cannot conceive such a case.

1252. *Hon. Sir R. Stout.*] I notice in reference to Mr. Gill's telegram requesting information about this block the following minute by Mr. Grey: "Mr. Dickey. This case—Owhaoko—was to be concluded last Napier sitting; but the persons making application withdrew from the case: and if the case stand as before, I have no doubt the Chief Judge is aware he can make an order under the Order in Council. The Chief Judge stated he would submit a case for the Supreme Court. —W. GREY.—For Chief Justice's consideration. *Vide* Mr. Gill's telegram attached.—A. DICKEY, January, 1881." It looks like January 18th, 1881, I should say. Were you in Auckland in 1881?—What is the date?