

appears there were more claims than one, because the new claim (1) is for one set of Natives, and the second is Topia Turoa, "Same as above, claim dismissed. Court would not allow costs." You will notice that what Dr. Buller stated is again untrue.

*Mr. Bell* : I do not know the date of the order. I am not here, as I said, to speak for Dr. Buller, nor have I any connection of any sort or kind with Dr. Buller. I have now concluded my answer to the memorandum, Sir. I have ventured to treat the memorandum throughout as making the charge which I have had to meet; and I have gone through it very carefully, and referred to its various paragraphs. I have endeavoured to show that, so far as my clients are concerned, they have been able by their evidence and by the facts we have adduced to refute those charges. I have endeavoured also—and I hope successfully—to avoid anything which might seem to be an improper attack upon my opponent—if I may call him so—the writer of this memorandum; because I admit that the privilege which the Committee has granted me, by permitting a report of what I have said to be included in the Appendices to the Journals of the House with the attack that has been made upon my clients, would be abused by me if I were to refer in anything but respectful language to the Premier of the colony. But I protest, on behalf of my clients, in the most strenuous way I can with proper respect to the Premier and Attorney-General, against the manner in which they have been brought to defend their characters. Mr. Fenton—a gentleman who has served in the public service of the colony since he was almost a boy, and has retired with honour, and, I venture to say, without a suggestion even from those who have had to attack the Native Land Court of improper conduct on his part—is brought here to defend himself against a privileged communication addressed to Parliament, and in language which is the language of an advocate; and the writer of the memorandum tells us that he has used that language because he is appealing from the Native Land Court to the High Court of Parliament. We, too, appeal to the High Court of Parliament, and we ask this Committee and the House, which will consider the report of this Committee in Parliament, to say that its privileges shall not be used to attack the characters of individuals, even though the object be unquestionably to do justice to those whom the writer believes to have been unjustly deprived of their rights. I submit that if this practice is to be pursued nobody's character is safe. The document is privileged, and it is open to the writer to put in any documents he pleases, and to keep back, if he pleases, any documents. It is open to him to suggest any inferences, and to comment adversely upon facts, ask questions, and insert notes of interrogation and notes of admiration calling marked attention to circumstances which are capable of the simplest possible explanation; and it is open to him to do so without having to answer for it otherwise than by being called upon to defend his memorandum before a Committee of the House. We feel very much the position in which we are placed; and I am here speaking on behalf of a man who is, I assure the Committee, almost broken-hearted at having, after a long series of years spent in honourable service of the public, to defend himself against even a suggestion of impropriety—nay, something worse, which, I conceive, is suggested against him in this memorandum, though, perhaps, unintentionally. I appeal to a body of gentlemen to say what they would have thought—any one of them would have thought—if such a memorandum had been written against him by a gentleman holding the position of the Attorney-General, and addressed to Parliament. I believe that the Attorney-General did not recognize the weight which attached to the position which he occupies; but there can be no doubt that this memorandum, which is to be recorded in the Journals of the House, will go down to people who do not know Mr. Fenton, and, perhaps, never heard of him, as a document written by a gentleman occupying the highest position in the colony, and will be presumed to have been written with the caution which is expected in documents issued under the authority of the Crown. Unless Mr. Fenton can have from this Committee and the House a similarly-recorded judgment in this matter: unless he can have from them a record that he is free from the imputation of impropriety, and worse, which is insinuated against him in this memorandum, he will be for ever under that imputation, and his name will go down sullied to those who will not know him or his past reputation. I am content, Sir, to leave the matter to such a body as your Committee, and so is he; and if the decision of the Committee is, as I am confident it will be, that there is no reason for suggesting improper conduct on the part of the Chief Judge, I trust that it will be stated in clear and emphatic language, in order that the opinion of Mr. Fenton's judges may go down in the same record as that which will contain what I may call the indictment against him. The character of the Chief Judge should be above suspicion, and Mr. Fenton feels that his has been treated as if it were not above suspicion. The person who suspects is a Minister of the Crown, who has appealed to the High Court of Parliament to support his judgment. And, as I have said, we also appeal to the High Court of Parliament for a vindication of the character which has been there assailed. Sir, I am obliged to the Committee for its courtesy, and I regret that I should have been obliged to occupy its time at such great length.

#### STATEMENT by the Hon. Sir R. STOUT.

I intimated to the Committee that I did not intend to take part in their deliberations regarding the framing of a report. I have already expressed my opinion in the memorandum addressed to the Cabinet, and, so far as the evidence and addresses given before the Committee is concerned, I have seen no reason to modify my opinion that a rehearing should be granted, and that regarding both blocks justice has not been done.

I have stated to the Committee that I did not mean in my memorandum to charge corrupt conduct against the Judges; and Mr. Bryce has properly stated that before the memorandum was published I also expressed that opinion to him. I believe, however, that the title to neither of the blocks has been properly investigated; and that the evidence given by the Judges bears out this belief.