

## MINUTES OF EVIDENCE.

TUESDAY, 26TH JULY, 1898.—(J. JOYCE, Esq., Chairman.)

Sir W. L. BULLER in attendance and examined.

1. *The Chairman.*] Have you anything to state with regard to the petition which you have presented to the House and which we are now considering?—I have nothing to add to what is stated in the petition itself. It states simple facts, and upon those facts I ask for payment of the costs which were awarded to me by the Supreme Court a year ago. I have been very careful to set out nothing in the petition but facts, and I have nothing to add to them.

Mr. P. BALDWIN in attendance and examined.

2. *The Chairman.*] In what capacity do you appear?—I appear for the Crown.

3. Do you wish to ask Sir Walter Buller any questions?—With your permission I should like to do so.

*Sir W. L. Buller:* If the Crown is to be represented by counsel, I think it is only fair that I also should be represented by counsel. I should like to be represented by Mr. Bell, who has acted for me throughout. It would be only fair to him too that he should be present.

THURSDAY, 4TH AUGUST, 1898.

JAMES CROSBY MARTIN, Public Trustee, examined.

1. *Mr. Bell.*] You were examined before his Honour the Chief Justice upon the question of your liability for the payment of these costs (£335 8s. 5d., proceedings under "The Horowhenua Block Act, 1896")?—Yes.

2. And you subsequently agreed, I think, to the statement of a special case for the opinion of the Supreme Court?—Yes.

3. On the point of your liability, either personally or in your corporate capacity?—Yes.

4. And in that special case the evidence given by you before his Honour the Chief Justice was set out?—Yes, I believe so.

5. Did you see the special case?—I do not recollect whether I saw it.

6. In the course of the correspondence read before his Honour the Chief Justice you referred to a letter received by you from your solicitor, Mr. Stafford, stating, "I think you should finally urge the Government either to furnish you with funds to pay these costs, or to authorise you to pay them out of the Public Trust Office Account. It would be a very deplorable position if execution is put into the Public Trust Office to enforce payment of the costs, or if the Public Trustee is charged with contempt in disobeying the decree of the Supreme Court. Under any circumstances it appears to me that the Government lay themselves open to criticism in not furnishing you with the funds to pay these costs, or, in the alternative, giving you authority to pay them out of the Public Trust Office Account. If the costs are not paid, then, apart from the public scandal, further costs will be the result; and it is impossible to say what the outcome of the proceedings may be." Then you said, "I forwarded that to the Hon. the Premier, and still with no result; and so I thought then I would see whether the Audit would pass the amount, and I would put it through without reference to the Government. I laid the matter before the Audit Inspector, and on the 30th September he informed me that he had seen the Auditor-General, and the Audit Office would not pass such payment except out of 'Unauthorised expenditure,' and then only on the approval of the Minister. Then, the Minister of Lands, who by arrangement amongst the Ministers is the Minister to whom the ordinary correspondence of this office is addressed, being out of town, I forwarded the following letter to the Premier with a copy of past correspondence." This is the letter from yourself to the Premier: "As the Hon. the Minister of Lands is, I understand, absent from Wellington, I forward herewith, as the matter is urgent, copy of a letter which I have just received from Mr. Stafford. I also enclose copies of previous correspondence. I understand that the Hon. Mr. McKenzie wished to receive the costs of Messrs. Stafford and Co. before dealing with the matter. These costs, however, have to be made up and taxed, so that some considerable time must elapse before they can be submitted for payment." Then you said, "I received back a memorandum to the effect that, as soon as the costs of my solicitors were rendered and taxed, the whole thing would be considered by Cabinet." "I wrote to the Government," you say, "on the 5th October, 'The defendants have applied to the Court for an order directing me to attend and be examined as to what property is under my control, so that they may ascertain whether I have any property which can be charged and attached to pay their costs. The Chief Justice to-day adjourned their application, but intimated that I ought to apply to the Government and obtain a definite answer as to whether the Government would pay, or ask the House to vote, the amount of the costs in question; and the matter has to come on again for hearing to-morrow week.'" These are parts of the evidence you gave before his Honour the Chief Justice?—Yes.

7. Then you say, on page 10 of the special case stated, "I wrote to the Government informing them that the taxation was completed, and at what amount the bill had been allowed"—that is,

1—I. 1B.