

randum of the same John Rogan in refutation of the charges contained in the memorandum herein-above secondly mentioned; and lastly, in a certain letter printed and published in its issue of the *Poverty Bay Herald* newspaper of Friday, the 22nd September, 1876, bearing the signature of the above-named John Rogan, charges have been made against John Alexander Wilson, Esq., of gross negligence in the making of advances to Natives indiscriminately, by which public money has been wasted:

And whereas it is expedient that certain inquiries should be made in respect of the foregoing premises, and into the truth of the said charges respectively:

Now, therefore, I, George Augustus Constantine, Marquis of Normanby, the Governor of the Colony of New Zealand, do hereby, by and with the advice and counsel of the Executive Council of New Zealand, appoint you the said

CHARLES BROWN, Esq., and
JOSEPH GILES, Esq.,

to be Commissioners to inquire into the administration of the said Native Land Court of New Zealand by John Rogan, Esq., one of the Judges of the said Court, and to inquire into all charges of misconduct of the said Judge in his office of Judge of the said Court.

And also to inquire into all charges of negligence on the part of John Alexander Wilson, the Land Purchase Officer in the Poverty Bay District, in making indiscriminate advances to Natives on land, by which any public money has been wasted: Provided that every such charge in either case be accurately stated in writing, every act of misconduct or negligence respectively charged being specified with reasonable certainty as to the nature of the misconduct or negligence respectively, and the time and place thereof; and that no inquiry on any such charge shall be had until at least three clear days' notice in writing thereof shall have been given to the particular person against whom such charge is made. And I do hereby, by and with the advice and consent aforesaid, require you, within two calendar months after the date of this Commission, or as much sooner as the same can conveniently be done (using all diligence), to certify to me, under your hands and seals, your proceedings and your opinions touching the premises.

And with the like advice and consent, I do hereby declare that this commission shall continue in full force and virtue, and that you our said Commissioners shall and may from time to time proceed in the execution thereof, although the same be not continued from time to time by adjournment.

Given under the hand of His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave, of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave, of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at Wellington, this eleventh day of June, in the year of our Lord one thousand eight hundred and seventy-five.

Approved in Council.

DONALD McLEAN.

FORSTER GORING,
Clerk of the Executive Council.

No. 3.

Mr. CHARLES BROWN, C.C., and Dr. GILES, R.M., Commissioners, to the UNDER SECRETARY,
Native Department.

SIR,—

Gisborne, Poverty Bay, 23rd November, 1876.

We have the honor to report that, according to the terms of our commission, which was forwarded to us with your letter of the 19th October ultimo, we have made inquiry into the charges and counter-charges between Mr. John Alexander Wilson, Land Purchase Officer for the Poverty Bay District, and Mr. John Rogan, Judge of the Native Land Court in that district. We have heard the evidence of the parties themselves and of other witnesses, and it now remains for us to express our opinion upon the matters which have come before us.

The charges into which we have been directed to inquire are of misconduct on the part of Mr. Rogan, in his office as a Judge of the Native Land Court, and of gross negligence on the part of Mr. Wilson, in the expenditure of public moneys for the purchase of Native lands. It appeared necessary that we should begin by forming a distinct opinion respecting the limits imposed upon our inquiry by these directions, and the kinds of actions which, under the respective headings of misconduct and negligence, could with propriety be submitted to us for investigation.

The opinion which we formed respecting the instances of misconduct on the part of a Judge with which we were competent to deal was that such instances must involve acts capable of distinct proof by appropriate evidence, and which, when so proved, should be manifestly wrong and inconsistent with the plain duty of a Judge. As examples of this class may be instanced bribery and corruption, the adjudicating on cases in which the Judge is interested, the refusal of a hearing to any party properly before the Court, the decision of cases not properly before the Court, the taking of parties by surprise by hearing their cases without sufficient notice, the expression of opinion out of Court upon cases not yet decided, the exhibition of violent or unbecoming personal demeanour on the Bench, or any expression of animosity against a party to a cause. All such matters as the above might form fair subjects for our inquiry; but we were clearly of opinion that all decisions of the Court, and all its rulings upon points of law, were entirely beyond our cognizance. We have considered that such decisions and rulings must be assumed to be correct until they are reversed by competent legal authority, and that it could in no case fall within our province to say that any judgment of the Native Lands Court was either unjust or illegal.