

found. As a consequence of this state of things, Pita te Huhu and his party were pressing the Court to hear, under the name of Waingaromia, all the lands which had been included in their survey. Mr. Rogan thinks that he might legally have done so—an opinion which appears to us open to question; but Henare Potae, and the Natives who were dealing with Mr. Wilson, were opposed to this course, being desirous that these lands should come on for hearing upon their application and upon their surveys. The course ultimately decided upon, by the suggestion of the Court, was that a new *Gazette* notice should be hastily obtained, comprising these lands, and notifying them for hearing during the sitting of the Court then going on. An application was accordingly made, and forwarded by Judge Rogan to Auckland by telegram, upon which an order for hearing was made out in Auckland and inserted in the *Kahiti* of the 27th July, 1875. The order was dated the 12th July, and the hearing was made for the 29th. The lands were described as Waingaromia 1, 2, 3. The Chief Clerk in Auckland, when informing Mr. Rogan of the issue of the order for hearing, called attention to the shortness of the time for giving the usual notices. But such notices as the time admitted seem to have been given. Accompanying Mr. Rogan's letter of the 6th September to the Under Secretary of the Native Department is a circular, which was sent by Captain Porter, at Mr. Rogan's request, to the Coast Natives. Some Natives, on receiving this notice, refused to attend, and a number of them joined with Henare Potae in writing a letter to the Court. At the sitting of the Court, on the 29th, several objectors appeared on behalf of the party with whom Mr. Wilson was dealing. It was decided to hear the case of the claimants represented by Pita te Huhu, and after that to adjourn the hearing, so that the opposite party might have time to prepare their case. Now, the whole essence of the proceedings above described lies in the fact that a very unusual degree of haste was used in getting these lands gazetted for the 29th July. For aught we know, the technical propriety and the legality of the step taken may admit of question, but with that aspect of the matter we do not concern ourselves. The only question we have to answer is this: Did Judge Rogan act in this business with good faith, and with an honest desire to facilitate the hearing of the matters before him in a manner that should be fair to all parties? Or, on the other hand, was he, as Mr. Wilson's report plainly implies, in league with a person interested in the case before the Court, and attempting to take the adverse party by surprise, by hurrying on a judgment without due notice to those concerned? Mr. Wilson makes a good deal of Mr. Rogan's visits to Captain Read's house. Read had advanced money to Cooper, and Cooper was purchasing from Pita te Huhu; but Judge Rogan, and Judge Munro too, had been accustomed to have quarters at Captain Read's house long before any such connection with Cooper had occurred; and we cannot see in Mr. Rogan's visit to Captain Read on the 19th July the slightest warrant for calling in question his motives as a Judge, unless what he did in that capacity was plainly wrong. That it was so Mr. Wilson seems to have had no doubt. It must, of course, be admitted that the appearance of the order for hearing on the 29th would naturally beget in the minds of those who were not cognizant of all that had taken place during the sitting of the Court a suspicion that an attempt was being made to get the hearing hurried on. It appears that this was the impression entertained by Captain Porter before he received from the Judge the circular notice for distribution. But we cannot help thinking that any party who was concerned in the matter ought, instead of at once imputing the worst motives to the Court, as Mr. Wilson evidently did, to have attended the sittings and have ascertained for himself whether the Court had been misinformed or was being misled, and what were the views and intentions of the Judge. But instead of attending the Court, Mr. Wilson hastened off to Wellington, where he arrived on the 20th July, and there urged upon the Government the proclamation of the lands under section 42 of "The Immigration and Public Works Act, 1871." This being referred to Mr. Locke, he gave his opinion against the adoption of such a course, and further stated that when the case came on an adjournment for a lengthened period would be obtained, so as to give the objectors all necessary time. The Government acquiesced in this, and relied upon Mr. Locke to protect its interests. Yet Mr. Wilson, after this, informed Captain Porter, by telegram, that Mr. Locke "had been directed by the Native Minister" to postpone the case. And in a passage in his report, further explained in his evidence, he asserts that this correspondence between the Government and Mr. Locke was "the real cause" of the adjournment, which was ostensibly granted upon the application of a Native put up by Mr. Locke "to cover the retreat of the Court." Mr. Wilson thus takes credit to himself for having, by his energetic action in going to Wellington, frustrated the machinations of the opposite party, as well as the intention, which Mr. Wilson assumed was entertained by the Court itself, to bring about a premature hearing of the case.

But we see no reason whatever for calling in question the good faith of the Court in the matter. The hasty notification of hearing on the 29th July appears to us to have been made for reasons of convenience, and for the purpose of bringing the whole of the matters in dispute before the Court at that sitting. But there is no ground for saying that the Judge ever intended to force on the hearing if good cause could be shown for a postponement. Mr. Locke's telegram to the Government implies that a postponement was the course contemplated from the first; and we think that Mr. Wilson might have ascertained this for himself had he put himself in the way of such information, instead of going to Wellington to make his complaint to the Government.

We cannot leave this part of the subject without calling attention to the circumstance that the Court at which these things were done had been sitting since the 18th June. But neither in Mr. Wilson's report, nor in his evidence, is the slightest hint of this fact given; and until we heard the evidence of other parties, we were left to suppose that this Court of the 29th July was entirely a new Court, "the session" of which "was opened in this district" on that date, and that no such name as Waingaromia had ever been before the Court until that day. Mr. Wilson may have thought these facts immaterial, but we consider them of much importance; and we think it much to be regretted that when engaged in aspersing the character of a Court of justice, he should have presented a garbled statement of facts.

We must now briefly refer to that part of Mr. Wilson's report in which he speaks of Mr. Locke and Judge Rogan as defeating his attempt to get lands proclaimed under section 42 of "The Immigration and Public Works Act, 1871." One would be inclined to suppose, from the latter part of the paragraph referred to, that the rival land purchasers were offenders against the criminal law, from the