

operation of which they were being screened by the Judge and the District Officer. But, setting this aside, there can be no doubt what this paragraph means when read and interpreted by the general context of the document in which it occurs. It means that the Judge of the Native Land Court and the District Officer, acting in concert, and in the interests of certain private purchasers of land, did oppose the making of a Proclamation on the ground of a Native difficulty which had no existence, and which they invented for the occasion. It is true that Mr. Wilson has several times repudiated such construction of his words. He alleges that when he speaks of an imaginary Native difficulty, he does not necessarily mean a fictitious one, and he had even gone so far as to say more than once that his report does not contain any charges at all. We can only say that in that case his mode of expression is most unfortunate, since it has led several persons to believe that most serious accusations had been made against their characters, it has induced the same opinion in the Government, and has caused the institution of a Commission of Inquiry, which, according to Mr. Wilson, was totally unnecessary.

In this matter of the Proclamations, Mr. Locke, as was his duty, expressed his opinion to the Government, and Mr. Rogan seems to have agreed with him. It was no doubt Mr. Locke's misfortune that his opinion differed from Mr. Wilson's; but surely the reasons for his opinion are sufficiently plausible to justify him in expressing it without any imputation being thrown upon his conduct or motives. When rival parties of Natives are claiming the same land, and are wishing to sell it to different purchasers, it seems natural to suppose that some dissatisfaction may be caused by the Government stepping in with a Proclamation and arbitrarily settling the dispute in its own favour, particularly when the land is not alleged to be wanted for gold mining, or the establishment of special settlements, or for railway construction. We presume that each case must be judged on its own merits, and that there will often be room for difference of opinion; and in the case before us we believe that Mr. Locke gave his opinion freely and honestly, and we regard any suggestion to the contrary as totally unworthy of credit. It follows, of course, that if the District Officer was entitled to his opinion on this subject, no blame can attach to the Judge of the Native Land Court for agreeing with him.

Before passing on from the Court of July, 1875, it seems desirable to notice Mr. Wilson's statement as to the notifications of that Court not arriving at Gisborne until eight days after the Court had been held. This passage appears to be founded upon a misapprehension of section 36 of "The Native Lands Act, 1873." The notifications referred to by Mr. Wilson were in the *Gazette*; but it does not appear from section 36 that there is any necessity for a special distribution of the *Gazette*, although, as a rule, that would perhaps be the most convenient mode of distributing the notices. But all that the Act says is that the notices are to be sent to certain persons, and also to be inserted in the *Gazette*. In the present case notices had been given before the day of hearing.

We come now to the Court fixed for the 10th March, 1876, at Waiapu. The Judge was not present at this Court, which was adjourned by Captain Porter, acting under the Judge's authority. This was done on the request of Meihā Ropata and other Natives, in consequence of a flood by which their food had been destroyed.

Mr. Wilson goes on to state in his report that on the 14th March a notice was suddenly given of a Court to be held at Poverty Bay on the 16th, thus allowing only forty-eight hours for the attendance of Natives, who were away at Waiapu, whilst the supporters of Read and Cooper were on the spot. This Court was for the hearing of Waingaromia.

Mr. Wilson seems to have written this in ignorance of the facts. The notice of the 14th was not the only notice given of the sittings of the Court, and was only intended for the information of those in the neighbourhood. A reference to the telegrams which passed between Judge Rogan and Captain Porter, and which are appended to the letter from the former to the Under Secretary of the Native Department, of the 6th September, will show that proper arrangements were made for the holding of this Court. The Court was only for adjourned cases. The Coast Natives had due notice, and attended the Court. Mr. Wilson does not pretend to say that they did not, and his assertion that they had only forty-eight hours' notice is incorrect in fact.

The Court held a sitting at Tolago Bay in April, 1876, at which Mr. Wilson, for the first time, we believe, during a long period, was present. Of this sitting Mr. Wilson has given an account in his report and his evidence, and has described a scene in Court in which Judge Rogan was involved with Henare Potae on one day, and Rutene Kuhukuhu on another. We need not dwell upon this part of the subject. We are satisfied, from the evidence, that Henare was certainly, and Rutene probably, under the influence of liquor, and that the conduct of both of them was improper and offensive. In such circumstances we do not think it would be fair to criticise too minutely the exact expressions of the Judge, or the precise changes which passed over his countenance. We think the evidence does not show that the Judge misconducted himself on the bench. During this session of the Court Captain Porter arrived, and it appears to have been mainly owing to his efforts and influence amongst the Natives that the Court was able to get through any business.

We pass over the question concerning the demands of Henare Potae as to the mode of procedure, because we consider that on such a question the Court is the sole judge; and we go on to notice that Mr. Wilson appears, from his report and his evidence, to have felt considerable annoyance at the intervention of Captain Porter on this occasion. We do not think it necessary to discuss this subject at any length, but we can see no reason for Mr. Wilson's complaints. It is not surprising if Judge Rogan was very glad to see Captain Porter appear on the scene, and to avail himself of his services; and if Mr. Wilson's statement is true, although it is denied by Judge Rogan, that the Court took the cases in the manner desired by Henare Potae and Mr. Wilson, it would seem that this arrangement must have been brought about by Captain Porter, in which case it appears rather ungracious of Mr. Wilson to complain of his intervention.

In the month of July, 1876, the Court sat at Tolago Bay, and on this occasion was investigated the title of three blocks of land—Puremungahua, Matatuatonga, and Ngatawakawaka. These are the lands respecting which Mr. Wilson made notes on two payment vouchers, on the 23rd of July, which will be found amongst the papers, and are referred to in our commission.