

owners, and so disturbed the course of Mr. Wilson's purchase. For the protection of the prior bargain made by Mr. Wilson, the land was proclaimed under section 42 of "The Immigration and Public Works Act, 1871," on the 31st May, 1875.

The land was brought before Judge Rogan, at a sitting of his Court, on the 12th July, 1876, and he then declined to deal with it otherwise than as a subdivision, on the ground that it was included in a block of land called Uawa No. 1, for which an interlocutory order had been made by Judge Munro on a former hearing. This interlocutory order is dated the 24th November, 1873, and directs a certificate of title to be given to eight Native owners for a parcel of land at Uawa, containing 700 acres, if within "twelve months they shall furnish a proper survey thereof." But this order was unknown to Judge Rogan when the case came under his notice. He had then before him the Court records containing the evidence taken before Judge Munro, and the decision of the Court thereon. The latter directs that a certificate should be made out in favour of the eight Native owners when a proper map is produced. It is evident, therefore, that the interlocutory order, which on the face of it seems to be the true record in the matter, contains a variance from the order minuted in Court at the time of the hearing. At the original hearing Judge Munro marked with a pencil line the northern boundary of the Uawa Block, and that line has been lately cut on the ground by direction of Judge Rogan, who considers that there is no reason why the right Native owners should not obtain their title upon the completion of the survey, notwithstanding the lapse of the twelve months mentioned in the interlocutory order. To complete the complication in this case, it is to be noted that the step of proclaiming the land seems to have been taken in consequence of a telegram from the Clerk of the Chief Land Court in Auckland to the effect that although Mangarara No. 2 was included within the boundaries of Uawa No. 1, yet it would not be included in the certificate of title. It is not for us to pronounce upon all these questions, but simply for the information of the Government we may say that there appears to be strong evidence to show that Mangarara No. 2 was included in the interlocutory order of Judge Munro, and that it has consequently passed the Court, unless it shall be held that the award of Judge Munro upon Uawa No. 1 has become null and void in consequence of the lapse of the twelve months mentioned in the interlocutory order. We cannot account for the telegram of the Chief Clerk above referred to, but it is possible that he made some mistake in the matter. The evidence taken by us seems in favour of the view we have indicated. We give no opinion on the legal aspects of the case; we content ourselves with saying that it is essentially a matter to be settled by legal reasoning and argument, and we do not think there is any ground whatever for regarding it in any other aspect. Judge Rogan adopts a certain view of the law of the case and of his duties as a Judge. If his view is erroneous, we presume that there are means by which it may be called in question; but any imputation against him of bad faith in the matter appears to us to be entirely unjustifiable.

This seems the most convenient place to notice a charge strongly urged against Mr. Wilson by Mr. Rogan in his letter to Mr. Locke of the 20th September, 1876. It is that Mr. Wilson stepped in and countermanded an order of Judge Rogan's to survey the boundary of Uawa, known as "Munro's line." Now the only evidence we have of anything like an interference on the part of Mr. Wilson is the following:—Mr. Baker says that a surveyor having begun to cut the line without instructions from him, he (Mr. Baker) stopped the work in deference to some objections made to it by Mr. Wilson. But there is nothing to show that either Mr. Baker or Mr. Wilson knew anything of any order of the Judge, nor has any such order been produced, except a later one dated the 18th September, 1876, which seems to have been acted upon as soon as made. Neither does it appear that Mr. Wilson even knew of the survey which Mr. Baker stopped, for the action of the latter in stopping it seems to have been taken in consequence of Mr. Baker's knowledge that Mr. Wilson had objections, on behalf of the Government, to the cutting of the line. In addition to this evidence, we have before us a document, purporting to be an application for survey of lands, dated 11th July, 1876. This application was referred to Mr. Locke, and by him to Mr. Wilson, who, being thus invited, made a note that the cutting of Munro's line at that time "would be used to prejudice important Government interests in Mangarara No. 2." It may have been this minute of Mr. Wilson's which caused Mr. Baker to stop the survey; but there is not the slightest proof that Mr. Wilson ever impeded any order of the Judge in the matter, nor is it easy to see how he could have had the power to do so. We think that Mr. Wilson must be entirely exonerated from this charge.

We must now notice the letter from Judge Rogan to the *Poverty Bay Herald*, which appeared in the issue of that paper of the 22nd September, 1876. This is one of the matters referred to us by our commission, but the course adopted by Judge Rogan in respect to it renders it unnecessary for us to dwell upon it at any great length.

The point of view under which this document came before us was in the shape of serious charges brought by Judge Rogan against Mr. Wilson. But Mr. Rogan stated that he wished to withdraw all those charges against Mr. Wilson, and to offer no evidence in support of them, except in one or two instances, which will be referred to in their proper place. Mr. Rogan stated that the letter was written at a moment of irritation; that he had been censured for it by the Government; and that by now withdrawing the letter as far as it affected Mr. Wilson, he thought it might be allowed to remain as a matter for which he was answerable to the Government. This being the state of the case, we have nothing to do but to record our opinion upon the general aspects it presents. It is clear that Mr. Wilson has a just cause of complaint that such an attack should be made upon him by a person in the position of Judge Rogan, and that no evidence should be offered in support of the charges. Beyond this, it seems almost superfluous for us to say that this letter was a grave impropriety on the part of Judge Rogan. The reasons for this opinion are too obvious to need that we should set them forth, but we think it our duty to say that, without in the slightest degree impugning the good faith of Judge Rogan, it does appear to us that in this letter he has to some extent committed himself to an opinion on cases which were coming before him for hearing, and we cannot resist the conclusion that his competency to hear those cases is thereby affected.

We have now to notice one or two minor charges against Judge Rogan made by Mr. Wilson in a memorandum dated 30th October, 1876, and handed in since our inquiry began. The first of these alleges that Judge Rogan, after promising two Natives (*Henare Potae* and *Ropata Wahawaha*), who