

Heale made no specific answer. I had also mentioned the matter to Sir D. McLean in January. The matter was finally arranged in April, as I said before. To resume at the point where I left off yesterday: On 8th July, despairing of getting surveyors any other way, I telegraphed to Mr. Clarke, the Under Secretary, asking him to write to Mr. Heale, "urging the energetic prosecution of our surveys in this district." In the interval, since my requisitions to Mr. Baker, Mr. Simpson, when just starting on survey work for me, was taken away and employed by the Native Land Court. I objected to Mr. Simpson leaving the service of our department, as he was a very valuable officer, but my objections were overruled by Mr. Baker. Mr. Clarke telegraphed to Mr. Heale requesting him to take action. After that the surveys proceeded more vigorously.

With regard to my statement in my report that the European opposition to my operations received unusual facilities from the District Officer, I think that under "The Native Lands Act, 1873," sections 37, 87, 107, the Crown had acquired such a title to the lands (Waingaromia No. 2) as should have prevented Mr. Locke from allowing surveys for other parties. These surveys were not made in the usual way as regards payment by the Natives or security for payment (for the surveys). The Inspector of Surveys did not make them for the Natives, but private parties made them, getting authority for so doing from the District Officer after they had commenced.

I now put in the order for hearing, dated 12th July, 1875, for lands, including Waingaromia 1, 2, and 3. I have referred to that order in my report as improper and unprecedented. The order fixes the hearing for the 29th July, 1875. It is in manuscript. I have never seen such a thing before; they are always in print. I consider this an instance of undue haste. It was probably done to catch a mail leaving Auckland. The lands were gazetted in the ordinary way in the *Kahiti* on the 27th July, and in the Provincial *Gazette* of Auckland, 23rd July. There was no opportunity for the *Gazette* of 27th to arrive here by the 29th. The first mail that arrived here was on the 6th August. The Auckland Provincial *Gazette* might have arrived by that mail, but I do not think the *Kahiti* did. The Printer, Mr. Didsbury, told me it would have to go to Auckland first. Notices of the sitting of the Court were sent down for circulation in manuscript. The *Gazettes* were not circulated. I do not consider that course to be in compliance with the letter or spirit of section 36. The usual and, I think, invariable custom for new hearings is to circulate the *Kahiti* amongst the persons concerned, and to give a longer notice. The manuscript orders may have been received in Gisborne on the 18th July, which was a Sunday, and distributed on the 19th.

On the 12th July Captain Porter came and asked me if I knew what was going on. I said I did not. He then told me of the communication going on between Judge Rogan and the head office in Auckland, and of which he (Captain Porter) disapproved. He showed me a copy of a notice to be sent to the sub-tribes on the East Coast. He said he had sent this to seven Natives—Henare Potae, Tamakiterangi, Karauria Pahura, Rapata Wahawaha, Ruka te Aratapu, and two living at Waiapu. This was not a notice by the Court, nor by any officer of the Court, nor do I think the Natives thought Captain Porter was an officer of the Court. Captain Porter showed me a telegram which he sent to Sir D. McLean, expressing his opinion that the proceeding was irregular, and probably illegal, or something to that effect. There is not a single Native with whom I dealt, of the Parariki Block, except Potae, who received the notice. The only notice those Natives received, so far as I know, was from the Natives who were applying for the hearing. No Native of the Arakihi Block with whom I dealt received notice. In my report I state that on the 9th July the Judge and Read drove to the country house of the latter, where they frequently resided together. (It is admitted by the other side that Judge Rogan might have gone there on that day, and might have remained there until the 12th, as he frequently went there).

The action of the Court that I complain of had the effect of putting the Natives who sold to the Government in the position of counter-claimants instead of applicants. My remarks in the report apply to the action of the Court, and to the action taken in connection with the surveys which had been authorized, also to the forcing on of the hearing, which was calculated to prejudice the Natives who were selling to me, and the interests of the Government. I put in the *Kahiti* of the 27th July, 1875. The Court herein announced for the 29th may be said to be a Court held for the sole purpose of hearing Messrs. Read and Cooper's cases, as all the lands set down for hearing were lands in which they were interested. I have spoken in my report of the surveys being hastily made. They ignore in many instances the tribal boundaries, which are coincident with the natural boundaries. My surveys have been done carefully, regarding the natural and tribal boundaries. Had I obtained surveyors in February or March it is doubtful, considering the careful nature of my surveys, whether they would have been done in time for the Court in July, giving sufficient notice to the Natives. I think that in this case two months' notice ought to have been given to the Natives. I should suppose that the claimants in the cases in which Read and Cooper were interested lodged written claims in the Court here. I think the Natives are in the habit of sending their applications direct to the Chief Judge.

The Court adjourned at 1 p.m. and resumed at 2 p.m.

[Mr. Wilson put in a telegram from Postmaster at Auckland, received 31st ultimo, and a memorandum by Postmaster at Gisborne, as to mails in July, 1875.]

The "Rangatira" left Wellington 23rd July, 1875. [At this point Mr. W. W. Wilson admitted, on behalf of Judge Rogan, the facts mentioned in the report, as to the visit to Read's house (9th to 12th July), and that Judge Rogan often spent some days there. Mr. Wilson then continued]: With regard to the passage in my report relating to Judge Rogan's visit to Read's, I felt some hesitation in writing that passage, because it might be construed into an implication of an unfavourable nature; but I thought it a proper thing to state in a report of that kind, which was a communication to my superior. Mr. Read being perhaps the principal suitor in the district, my superior might regard the Judge's visits to Captain Read's, and his frequently staying at his house, in the light of an indiscretion. I believe, as stated in my report, that only one case besides Read's cases have been adjudicated upon by the Court in my district during the year to which my report refers. The case excepted was the Tuakau Block.

The Court sat on the 29th July, at Gisborne. I was then at Wellington. I knew the Court was