

them. I was sitting next to the Judge, and a little behind him. The chief Henare Potae rose before any case had been called, and was proceeding to address the Court on some subject in what appeared to me a proper strain, certainly in a respectful manner, when he was asked by Judge Rogan why he had risen without his name being called. He was told by the Judge that he was setting a bad example to his tribe, and was told to sit down without saying another word. The Judge's manner was angry; that of Potae was quiet, and he sat down without saying another word. I do not think he had said more than ten words, and so I do not know what he was going to say. The case of Waingaromia No. 2 was called immediately after that. Potae rose again. Judge Rogan wished him to sit down again, but he objected, saying that he appeared as spokesman for his party. The case of the claimants had been closed at a former sitting, and it was now the turn of the counter-claimants to put forward their case. The Judge wished Wi Pewhairangi to appear as spokesman. The latter said Henare Potae was the man to speak. I relate the proceedings from memory, which is, in my belief, very clear. Henare asked that Waingaromia No. 2 should be heard in conjunction with the Parariki and Tau-whareparae Blocks, which (at all events Parariki) had been gazetted separately as claims of ours. The Court did not consent. Henare then wished Waingaromia No. 2 to be heard in two parts, the portion in Parariki being heard as one part, over which the Aitangahauti had their claims; and the portion in Tawahareparae, claimed by Ngatira, as another part. The Court would not consent to that either. Henare said that if the Court persisted in hearing Waingaromia in one lump, his side would not plead. There was an Assessor sitting with Judge Rogan. The Judge then said if they would not plead, judgment would be given against them. The discussion had lasted about a quarter of an hour, and had now assumed almost the character of an altercation. Both parties were becoming warm, but the Judge was the warmer of the two. Henare Potae said some words to this effect, addressing the Judge: "You won't agree to my request because you are the paid servant of Mr. Read." I think he used the phrase *pononga utu*. The Judge said to him, "You are drunk." Henare retorted, accusing the Judge of drinking in the night, when his clerks could not see him. The Court broke up in confusion. It was a very painful scene. I do not think Henare was drunk on that occasion. I know him very well, and have often seen him drunk, and often sober. He was excited; he was also lame, which gave him an uneasy gait, so that he could not walk straight. His feet were swollen. Whenever he becomes intoxicated he speaks English, which he did not do on this occasion. As soon as the Court had broken up, I called a public meeting of the assembled Natives. There may have been 200 there. I urged that Henare's objections should be overruled, and that he should consent to give way, and the claims be heard in any way they could arrange with the Court. Henare Potae was obstinate, and would not give way. I went and spoke to the Judge after the meeting broke up. He was walking about outside. He appeared inclined to make some concession, but nothing more was done that day, as the Natives had dispersed to the publichouses. Potae got drunk before the evening was over. Captain Porter was present the next day, having arrived by the "Luna," the evening before. At the sitting of the Court that day the Judge conceded the request of Potae, and took the evidence of Waingaromia No. 2 in two parts, as Potae wished. This arrangement was made through Captain Porter, in whose hands the maps were placed. Mr. Locke was not there. Captain Porter told me he was not acting in any official capacity. I asked him then why he came between me and my clients in making these arrangements. He said because the Court (or the Judge) asked him to, but it was against his wish, as he knew it was not fair towards myself. His words were: "The Court is making an improper use of me." He offered to retire if I would require him to do so. I said I would not oppose any wish of the Court. This conversation occurred during the mid-day adjournment.

When the Court opened and the plan of the proceedings was announced, and the Parariki portion of the block Waingaromia No. 2 was called, a Native named Rutene Kuhukuhu appeared, instead of Henare Potae, the Natives thinking that Potae had made himself obnoxious to the Court. Rutene gave his evidence clearly enough, but he was brow-beaten, bullied, and confused by the Judge. I watched the Judge's face in a good light for that purpose, and from his general manner towards the witness I formed the opinion that the case was prejudged in his mind. I had further conversation with Captain Porter at lunch-time. He remarked that the Judge was going against me in the matter out of a personal feeling of animosity towards myself. I replied that that was impossible, and that I did not believe it, because I had never given the Judge any excuse for such a feeling. He then expressed an opinion that the Judge was a man who did not require a cause. I thought the Judge was biassed, but perhaps not consciously so. My complaint about the introduction of Captain Porter by the Court refers to his communications with the Natives out of Court as to the order and mode of proceeding. It was coming between my client and me, and depriving me of their confidence. The reason why I did not ask him to make all such communication through me was that he held no authorized position as District Officer, or to act as such.

The result of this sitting was that judgment was reserved. I asked Captain Porter to get this done if possible.

On 15th April I received a telegram from Mr. Clarke referring to rumours that large sums Appendix, of money were being lost to Government through purchases being made by me from parties not Nos. 19 & 20. entitled. I put this in together with my reply. This was the cause of my report.

I now turn to the payment vouchers with my minutes upon them. [Mr. Wilson here read his Appendix letter 471-76, dated 16th August, 1876, to the Under Secretary, in order that it might be received as No. 21. evidence.] The contents of that letter are true and correct. I put in the agreements with the Natives, Appendix, also the telegram of 24th July relative to refusal of Judge Rogan to grant title to Government in Te Nos. 22, 23, Marunga until time for appeal should expire. 24 & 25.

[Adjournment from 1 to 2 p.m. took place here.]

There was an opposition in the case of Te Marunga, but it was arranged before judgment was given.

In the land referred to in my letter last read, the assent of all the owners to the sale to Cooper was not obtained. The whole of the money had not been paid. A difficulty existed in respect of the alienation (section 59, "Native Lands Act, 1873,")—i.e., the Proclamation and the prior sale to