

MONDAY, 13TH NOVEMBER, 1876.

Appendix,
Nos. 54, 55,
and 56.

[Mr. Baker put in copies of letters between himself and Mr. Heale:—Baker to Heale, 9th April, 1875, and Heale to Wilson, 22nd May, 1875. Mr. Wilson then put in his reply, 3rd June, 1875.]

[Mr. Rogan's evidence resumed.]

I am frequently, but not invariably, consulted before the sittings of the Court are gazetted by the Chief Judge. There has never been any communication between myself and the Chief Office respecting any of Mr. Wilson's applications, which he complains have never been gazetted at all.

The Court adjourned from 17th March, sat on 3rd April at Tolago Bay. [Notes of proceedings read to end of 6th April.]

After the sitting on the 8th, the Court adjourned to Wai-o-Matatini on the 12th April. On the 5th occurred the scene in Court with Henare Potae. He had given me great annoyance for two or three days before this by following me about and obtruding himself into my bedroom. He even made me an offer of money at the Wai-o-Matatini, about the 1st May, to secure my favourable judgment in the Tuakau Block; this was subsequently, and he was intoxicated. Early on the 5th, two Natives came to me and asked me to hear some succession claims in the Marua Block. They persisted in wanting me to go and see Mr. Wilson with them. I went to Mr. Wilson's room, and found Henare Potae and another Native there. The other two Natives followed me, and I began speaking to Mr. Wilson about their business. Henare came between me and Mr. Wilson and interrupted us. Mr. Wilson expostulated with him. Henare had been drinking, his breath betrayed it plainly. When the Court opened, a scene occurred which never happened to me but once before. This was the first occasion on which I had seen Mr. Wilson in Court for eighteen months. The day before, I had seen him looking in from the outside through a chink. Henare was in a state of excitement; he insisted on Waingaromia being heard as Parariki; he would not listen to my explanation; a scene of confusion arose; it was impossible to go on. It was only Henare and a few others who were disorderly; the others tried to quiet them. The Natives went outside; they tried to quiet him, but he became furious. The Court adjourned until next day. In the afternoon Captain Porter fortunately arrived. I explained to him the difficulty, and told him I would not carry on the Court here. Captain Porter said he would try to influence him. Next day Rutene appeared: he was attitudinizing with a stick in an offensive manner. Captain Porter asked him to moderate his conduct. Rutene's sister had been admitted as a claimant. On the 5th Mr. Wilson came to me and supported Henare Potae's method of having the lands heard. Had I heard Parariki, I should have been hearing some corners of land which were not before me. I distinctly deny that I heard the cases as Potae wished. I did not depart in any way from my original position. I confined myself to the boundaries before me, allowing the Natives to make any kind of subdivision they liked. Mr. Wilson said he did not think Henare was drunk. I was convinced he was. On the next day I deny any brow-beating or bullying on my part, but I do not allow the Natives to brow-beat me. I should never have succeeded in getting through that Court without Captain Porter's assistance. I never made up my mind or prejudged the case in any way.

In the Poremungahua and two other blocks judgment was given on 8th July, 1876. During this Court the Natives frequently came to me and asked where Mr. Wilson was. The Natives were badly off for food. Afterwards Rutene Kuhukuhu received a letter from Mr. Wilson on his return from Wellington, referred to in my memorandum. Rutene published it amongst the people that there was no money coming from Mr. Wilson. Two or three days before the Court closed, I was informed by my interpreter that the Natives were signing a conveyance to Cooper, and Mr. Campbell and Mr. Ferris were there. Once I went to see Mr. Campbell, and there I found him witnessing signatures. On the evening of the 19th, Cooper came to me with some Natives and informed me that he had bought these three blocks and other lands. He said the Natives wished to come into Court next morning to acknowledge the sale. I asked Cooper if he knew what he was doing, and told him I thought from what the Natives said there was some sort of promise to sell to Wilson, and that though the Proclamation had not been brought officially under my notice, yet I knew it existed. The next morning Cooper and the Natives came into Court. I told Cooper I would not put my name to the deeds. After some discussion it was agreed that Cooper would take the responsibility of any legal question either from the Proclamation or a rehearing. I only indorsed on the deed a certificate of duty payable. The indorsement on the order of memorial is only a memorandum. I had a legal opinion to the effect that it is my duty to assess the deeds. The memoranda on the orders of memorial do not affect the validity of the sale. The Governor can refuse a Crown grant. I consider it my duty to do as I did if everything is right between the vendors and vendees.

In the case of Te Marunga I think Mr. Wilson bought out Captain Ferris. It has been a principle with me not to have anything to do with deeds until the seven months for rehearing have elapsed. I have made an exception to this in the case of Pirauau in attesting deeds for Mr. Wilson. I think that is the first time Mr. Wilson has asked me to do this. I think it was Ferris and not Wilson who spoke to me about it, and in the street. It is very likely I refused to do it until the end of the seven months if he spoke to me in the street.

With reference to Mr. Wilson's statement of inaccuracies in the names of owners, there are great difficulties in getting them right. The Natives often change their names, and again the names get altered in being printed in Auckland.

Mangarara No. 2. There is a discrepancy between the order in the records of Judge Munro's Court and the interlocutory order. The latter was made out in Auckland: I go by the records in the Court books. Karauria some time afterwards showed me a letter from Judge Fenton, saying that notwithstanding the lapse of time, the certificate would be given if the line was cut. It was only two or three months ago I found the line was not cut in consequence of a request from Mr. Wilson. I put in letter from Mr. Dickey, 15th March, 1876. I knew nothing of Mr. Dickey's telegram, saying that Mangarara 2 would not be included in the certificate of title. It is very usual to allow the time mentioned in an interlocutory order to be overstepped.

Appendix,
Nos. 57 & 58.

Appendix,
Nos. 59 & 60.