

On 30th September, 1876, I was present at a meeting of Natives at Tolago Bay. I told them I would admit none who were not included in Judge Munro's order, but they could admit others if they liked. The advertisement of Court for 10th October, referred to by Mr. Wilson, was a mistake of the printer. It was intended to be advertised for the 3rd. The Natives interested were there, and no business was done.

With regard to my letter in the *Poverty Bay Herald*, I have had a letter from the Government censuring it. I think Mr. Wilson has paid money for what he calls Parariki, which land I have awarded to Pita te Huhu and others with whom Mr. Wilson has not dealt. That land was adjudicated upon in April. A small part of Parariki is still unadjudicated upon. Appendix,
Nos. 75, 76,
and 77.

Mangarara No. 2, payment of £15 to Henare Ruru, Hori Mokai, and Patariki Pahura. Of those only Henare Ruru was amongst the owners. On the 21st March, on the same block, £46 was paid to Raniera Turoa and Henare Potae. The latter is not an owner. The payment to Hepeta Maitai was wrong, apart from the question of Cooper. It is always wrong to make small payments to individuals, apart from the rest of the Natives.

My letter was written in a state of great irritation. I think now that Henare Potae will be able to establish a title to Tauwhareparae. A part of that block has been adjudicated under Waingaromia. Hiuarua has not been disposed of. The greater part of Parariki has been adjudicated on.

When Sir Donald McLean, Mr. Locke, and Mr. Wilson were here in the early part of 1875, Mr. Wilson proposed to Sir Donald McLean that he should be allowed to advocate his cases in Court, and Sir Donald McLean mentioned it to me. I was strongly opposed to it. Sir Donald McLean then waived it. After this Mr. Wilson made a formal application to the Court on the subject. I was much engaged at the time. I refused the application. Afterwards Dr. Nesbitt told me Mr. Wilson said he would never enter my Court again; nor did he until April, 1876. It would have been better had he done so. The Court records have always been open to him.

With respect to Waingaromia No. 2 and Tuakau, the Native Assessor expressed a strong opinion that Henare Potae had no claim. Upon hearing that Mr. Wilson had made charges against me, I thought that judgment should be given before I received or answered the charges, lest my answer to the charges might seem to anticipate the judgment. I had not then received the report.

I convened a number of the principal people at Tolago, and gave the judgment of the Court; no Assessor was there. It was in the Courthouse. The judgment given had been agreed upon between me and the Assessor some months before. I explained to the Natives my reason for giving the judgment at that time. By that judgment Henare Potae was ousted.

The Commission adjourned at a quarter to 5 p.m.

WEDNESDAY, 15TH NOVEMBER, 1876.

[Mr. Rogan's evidence continued, in answer to question by Mr. J. A. Wilson.]

I stipulated that Cooper should take the responsibility of the indorsements on the orders for memorial for my own protection. No such application was ever made to me before. I know nothing of the practice of other Judges in such a matter. I have done nothing as yet. At the end of the time allowed for rehearing I shall give the usual certificate. Our practice is to draw up an order for memorial, and send it to Auckland. No memorial of ownership is ever made out in our office—our practice is by direction of the Chief Judge. The memorials are made out in Auckland. In the present case the Chief Judge would forward the memorial, with indorsement, to the Governor. (Section 61.) The Court-books were not packed up at the time this was done. I suppose the course adopted by me would result, in the usual course of things, in Cooper getting the grant, unless some legal question arises. I have refused to attest signatures within the time allowed for rehearing. I have no recollection of Mr. Wilson asking me once to note a transfer in Te Marunga's case (when, as he says, I told him I had resolved for the future not to do so within the seven months, upon which he said he would like to have a statement from the Bench, and I requested him to be satisfied with what I then said). I have no recollection at all of that conversation. I have had great trouble from persons talking to me in the street. I have never before made such an indorsement on an order of memorial, nor has an application to do so been made in any other case.

At the sitting at Tolago Bay, 5th July, adjourned from Wai-o-Matatini, I had to leave a good deal of business undone, as I had to leave on the 20th July. The cases are taken according to convenience, taking first, as a rule, the Native owners who live at a distance, and those who are present before those who are not. The usual practice was observed on this occasion. On the 25th May the Court adjourned from Wai-o-Matatini to Tolago Bay. That Court had been the heaviest one I ever held, and involved a good deal of consequent office-work. There is a very large number of names. It was quite impossible to hold another Court before the 5th July. I was often engaged in trying to settle subdivisinal titles for Natives. I do not think, in any single instance, the description in the application corresponds with the maps. I do not think they corresponded in Paremungahua or Matatuotonga. It is very usual, and almost invariable, to hear a number of claims on one application. The owners referred to in my telegram to Dickey, of the 12th July, 1875, were the Natives of this district and along the coast. By "public interest" I meant Government. Mr. Locke said it was important: the Government wished to get the land. Pita te Huhu and others would not go to Tolago Bay. There had been no Court then. The Court was afterwards held at Tolago Bay, in consequence of the representations of the Coast Natives. I am not aware that I instructed my Clerk to give you notice of the Court to be held on the 16th March, advertised on the 14th. I understood from Dr. Nesbitt that you said you would not enter my Court again. Mr. Locke was not there. The mistake of the 10th for the 3rd in advertisement of the Court was copied from one paper into the other. I understood distinctly from Sir D. McLean that you had applied to him to be allowed to appear in my Court.

[Adjourned from 1 to 2 p.m.]

A final decision is not yet given in Waingaromia No. 2. It was in Waikohu Matawai you (Mr. Wilson) asked to be allowed to appear in Court. That case was heard under the old Acts, having been begun