

1877.

NEW ZEALAND.

LAND PURCHASES IN POVERTY BAY.

*Presented to both Houses of the General Assembly by Command of His Excellency.*I.—REPORT FROM MR. J. A. WILSON, LAND PURCHASE OFFICER, POVERTY BAY,
AND CORRESPONDENCE RELATING THERETO.

No. 1.

Mr. J. A. WILSON to the Hon. the NATIVE MINISTER.

SIR,—

Land Purchase Office, Gisborne, 6th June, 1876.

I have the honor to report, as Land Purchase Officer for the East Coast and Bay of Plenty District, that a number of transactions have been effected during the past year, and that the following business has been done:—

I.—*Former Negotiations completed.*

I regret that under this head there should be nothing to record. This arises from no fault or shortcoming in my department. The lands have been negotiated, deposits paid, agreements signed, their surveys have been executed, and applications in writing have been made by the Natives to the Native Land Court (in too many cases repeatedly) to have their claims heard. Moreover, on the 25th October last, I requested that the Native Land Court might be moved to commence to take cases in the middle of February last in which the Land Purchase Department is interested in this district, “as my plans would then be ripe for passing twenty-three blocks through the Court containing 270,000 acres.” Yet notwithstanding this I regret to state that, excepting certain lands to be hereafter mentioned (where private parties have interfered to obstruct my operations, and where the unprecedented proceedings of the Judge and District Officer have militated seriously against them) not a single block has passed the Court, nor has a case been called. This statement applies equally to all blocks included in former negotiations and in negotiations entered into during the current year.

I should say that at my request the Natives have applied to the Court to have their claims to 259,670 acres investigated. The whole of the said lands have been negotiated and surveyed at the expense of Government, while the tracings of the plans of 214,170 acres of them are in my office. The balance of their area (45,500 acres) is estimated, because, although the surveys are finished upon the ground, the plans have not yet been sent in. Of these lands none have been heard. The Native Land Court has, however, gazetted for hearing, 68,588 acres; not yet gazetted, 191,082 acres; total, 259,670 acres.

II.—*Fresh Blocks purchased.*

During the year under report I have purchased fifteen new blocks, containing a total of 101,037 acres, at an average price of 1s. 10d. per acre. The surveys of all these blocks except three are completed. The blocks are scattered throughout the district, are of good average quality, and may be considered to be desirable acquisitions.

III.—*Leased Lands purchased.*

Under this head, I have to report that 142,709 acres of leased lands have been converted by purchase during the past year. They have been bought at an average cost of 1s. 8½d. per acre, and 68,652 acres, having passed the Native Land Court in previous years, are now held by Crown title.

IV.—*Fresh Blocks leased.*

No fresh leases have been made, because I have found myself able to purchase, and have therefore invariably refused to lease.

V.—*Moneys paid.*

From the foregoing, it appears that the purchases during the past year are 243,746 acres. The payments made on these are—advances on lands not yet heard by the Court, £3,291; payments made upon Crown title, £4,175 12s. 10d.; total payments on purchase, £7,466 12s. 10d.; advances on former leases, £43; total, £7,509 12s. 10d.

VI.—*Areas.*

Excluding transactions completed previously, the lands surveyed this year (as nearly as I can ascertain them) are 263,185 acres; surveys requisitioned, 57,000 acres; will be requisitioned next spring, 70,000; (390,185 acres). Also there are—of negotiations in abeyance, 30,000 acres; (420,185 acres); suspended negotiations resumed, 54,000 acres; negotiations suspended, 48,000 acres. Total, 522,185 acres.

The surveys performed show that the areas of the lands had been slightly under-estimated—226,000 acres estimated were found by survey to contain 230,926 acres.

VII.—The total area I have purchased and leased in this district, the same having been surveyed, or about to be surveyed during the ensuing summer, is 594,882 acres.

VIII.—*Opposition and Intrigues of Europeans who have interfered with my Negotiations.*

This has formed the most prominent feature of the conditions against which I have deemed it my duty to contend. I had to advert to this subject in my annual report last year, and I find myself compelled to mention it again. The evil has not diminished, although its organization and ramifications may have become more apparent. And, first, I would say that where settlers have had prior transactions and possessed prior claims I have made it my rule to abstain from interfering with those transactions; but at the same time I have expected them to refrain from interfering with the negotiations I have entered into on behalf of the Government. More than this on the part of the Government would not be acceptable to Europeans, and less than this on part of the latter would not be just to the Government.

It seemed necessary, therefore, to draw a line somewhere, and I have endeavoured to draw it where the equitable and legal rights of the public should be protected from the efforts of individuals—be they who they may—who may seek to interfere and deprive the public of those rights. The necessity of such a rule appears to be in proportion to the means of the individuals, either by ability, wealth, influence, &c.; a rule is necessary, too, to meet that class of persons who jump claims to be bought out.

Now it has been my lot until quite lately—*i.e.*, until the land was gazetted under the Immigration and Public Works Acts—to be compelled to struggle, single-handed, more than twelve months with a very powerful and a very remarkable European opposition—an opposition that I feel sure has spent, directly and indirectly (their expenditure in public-houses alone is enormous), far more—perhaps five times as much—money than I have paid, but whose utmost effort has proved quite inadequate to create more than a passing European difficulty. The persons instigating this opposition have possessed means and influence so large that had I been less firm or less assured of the justice of the cause represented I should not have been able to prevail hitherto as I have. The stake they have in view being, as I conceive, not merely the land interfered with but the supremacy in land purchasing, and the power to filibuster with impunity, and to dictate to Government in all future land transactions.

I have characterized this opposition as remarkable; and in doing so I may state that it is remarkable in itself; it is remarkable also in the unusual facilities and protection it has received from the Judge and the District Officer separately and combined. In itself it is remarkable in the unscrupulous character of the means employed, in the nature and extent of its schemes, its extraordinary avenues of official information, and its hitherto reckless and largely secret expenditure; while, in unusual facilities and protection received, it is noticeable in the District Officer, Mr. Locke, having granted permission to execute surveys in favour of Europeans over extensive tracts of country at a time when he knew that I was negotiating the same and had paid considerable sums upon them; it is noticeable in that on the 7th July last the District Officer brought Captain Read—one of the Europeans interested—to me, and asked me to give him (Captain Read) money upon these lands, with which request I refused to comply, on the ground that the land belonged by agreement to the public, and that I would not pay over again for it.

Further, Mr. Locke, supported by Judge Rogan, by representations based upon an imaginary Native difficulty, did defeat an attempt of mine, supported by Mr. Clarke, to obtain a proclamation under the Immigration and Public Works Acts, whereby for many months they became the means of shielding from the operations of the law the proceedings and actions of the Europeans who had interfered with the purchases and leases of the Government.

Now that the land is proclaimed, opposition will be futile, when judgments are given and title is established. Opposition has been very strong, however; in illustration of it, and of the spirit abroad among those who have considered themselves specially exempt, I may instance the case of Mr. Campbell, Resident Magistrate at Waiapu, who, under cover of an authority from Mr. Locke, caused land to be surveyed that I had leased before him—that I had advanced rent upon and was surveying. The Natives of his survey party seized my surveyors' instruments, twice stopping the party. The cost to the country by these seizures—in pay to the survey party during detention, in expenses of interpreters, &c.—was about £100. Mr. Locke knew that I had acquired the land for the Government before he granted the permission to Mr. Campbell's surveyor, and when I asked afterwards for an explanation, he made a statement that I do not deem expedient to repeat here. Mr. Campbell, jun., as the agent or partner of his father, the Resident Magistrate, had been informed in writing, before he treated for the land or had paid money upon it, of the prior right of the Government; yet a higher bid was made, and Natives who had taken money from me were induced to go over to him, excusing themselves on the plea that we both were Government men. I have mentioned this matter somewhat fully to show the nature of the spirit against which I have been compelled to contend, as well as the unexpected quarters from which it has emanated, not from any desire to attach any particular value to the opposition so raised on this occasion.

The case is quite different, however, in the blocks called Waingaromia, Nos. 1, 2, and 3, otherwise known as Arakihi, Parariki, Tauwharepara, and Waihora, where Messrs. Read and Cooper have

interfered. In these my difficulties are increased by the forced and unprecedented action of the Native Land Court in this district.

On the 7th July last I refused to pay money on Mr. Locke and Mr. Read's request. On the 9th the Judge and Read drove to the country house of the latter, where they were accustomed frequently to reside together.

On the 11th I was informed that the Judge was trying to get Read and Cooper's surveys at Waingaromia placed upon a special *Gazette* by telegram.

On the 12th they returned to town, and by that time the lands had been telegraphed and hurriedly notified at the head office at Auckland, not on the usual printed form under seal of the Court, but with the seal of the Court upon a manuscript.

I venture to affirm that this was an exceedingly improper proceeding, and an abuse of power. It was a violent action, the effect of which was to displace the cause of the public, and to injure it by giving Read's interest priority. It was to make claimants of the opposition, and to give them the right to reply. It was to take the bearing of our lands upon their hasty and indiscriminately (I had almost said promiscuously) made surveys and plans. It was to impart prestige to one side and to humiliate those who had sold to the Government. It was to diminish in the eyes of the people the respect due to the Government in its business transactions by rendering those transactions subordinate to the interests of Europeans who were known to have interfered with them.

Suitors in all cases in the Native Land Court are required to comply with the forms of the Court. They are required to make their claims to the Court in writing, and have, in point of fact, to fill an elaborate form of application for hearing with scrupulous exactness, failing which their applications are returned to them for correction. But the Natives with whom Messrs Read and Cooper were in treaty were excused delay, where time was an object, and were granted a special advantage. And here I may say that had the Court and the District Officer permitted business to flow in the ordinary channel; and had surveyors been furnished in March, April, and May, 1875, when I applied for them; and, further, had a Judge of the Native Land Court presided here who could have taken Government business sometimes instead of cases in which Mr Read is interested always (I believe, one solitary case excepted, that the time of the Court in my district during the year under report has been entirely engrossed in adjudicating where Read requires titles; while not a single case has been adjudicated in which Natives claim who have parted with their land to Government)—had these conditions been permitted to obtain, then the Government would have had its deeds and the Natives their money long ago.

But to return. On the 29th of July the session of the Court, specially convened to hear cases in which Messrs Read and Cooper were interested, was opened in this district, and sat and took evidence, without having caused due notice to be given in the district in the manner prescribed by the letter or even in compliance with the spirit of the 36th section of "The Native Land Act, 1873."

On the same day the Court closed, or rather adjourned, it was alleged, upon application. An application was certainly made by a Native at the request of Mr. Locke; but he had been put up merely to cover the retreat of the Court. The real cause was of another kind. I had taken an unusual step, and had almost rendered myself liable to censure from yourself.

On the 6th of the following month, some of the notifications of the sitting of the Court arrived by mail at Gisborne. The Court had opened and taken evidence eight days before preliminary documents required by law were received in the district. It is not for me to say what the legality of such unprecedented proceedings may be worth; but if that Court was *ultra vires*, its adjourned sittings and proceedings are *ultra vires* also.

After this, the Government surveys of this land were prosecuted and completed, and Arakihi and Parariki—portions of them—were gazetted for hearing on the 10th March last at Waiapu, a place three days' journey from Gisborne on horseback. Many of the Natives went to Waiapu to attend the Court on the 10th; but the Judge did not go. He remained at Gisborne, and sent an agent, who adjourned the Court.

On the 14th the Judge suddenly advertised a Court for the same land, under the name Waingaromia, to sit at Makaraka, Gisborne, on the 16th. Thus a notice of forty-eight hours was allowed for Natives who were away at Waiapu, and this while Read and Cooper's supporters, who had not gone to Waiapu, were near the Court-house at Makaraka.

To this impracticable proceeding I again objected, on various grounds, among others, that the Governor had called for further information prior to deciding whether he would exercise his pre-emptive right over the land, and that the present precipitate action of the Court might prejudice and forestall that right. Notwithstanding this, however, the judgment of the Court was given upon one Block—Waingaromia, No. 3. A rehearing was immediately asked for by the Natives with whom I had dealt. The Governor's Proclamation was issued over this and the other blocks six weeks after the judgment of the Court had been given.

The other Waingaromia Blocks, Nos. 1 and 2, were adjourned to Tolago for the 3rd April, where they were heard, with judgment reserved. The proceedings the first day were very painful on both sides. On one hand, the Judge was irascible, impracticable, and threatening to the Natives who had dealt with me; on the other, their spokesman openly accused him in Court and the Natives out of Court in a manner which I refrain from repeating. The scene had lasted too long, when the Court broke up in confusion.

On the following day, the Judge conceded the reasonable request of the Natives, and evidence was thereupon given. I do not wish to comment on the way the evidence was taken, nor have I space to do so here. Suffice to say, that as I watched, I became convinced—I say it emphatically—that it would be necessary to hear the cases over again before another Judge.

Here I wish to note that I reserve a point, arising out of something said by the other side, that may be required at another stage.

I believe the Atangahauti Natives are only waiting for judgments to be given to appeal against them.

I stated in an early part of this section of my report that I had been compelled to contend against a very remarkable opposition. I have not given all my reasons for making that statement, space

does not permit, but I have adduced a number of circumstances in support of the position included in the premises—that it has received unusual facilities and protection from the Judge and District Officer separately and combined. I have to add another matter, however, in reference to the remarkable character of the opposition itself. I hold evidence from several respectable European witnesses showing, on his own statement, that Mr. Cooper, a principal and manager, did deliberately frame his arrangements upon an assumed and asserted partiality of the Court for Read.

In conclusion, I will say for myself, that, in the absence of the District Officer from the Court at Tolago, the sudden and unexpected introduction by the Court of a third party, Captain Porter, between my clients and the Court was injurious to the interests of this department. My line of action was departed from. A foreign claim upon Parariki was set up by Natives among whom I believe Mrs. Porter is interested. I do not state this in any spirit unfavourable to Captain Porter. His position was unofficial and anomalous (he characterized it as improper); he was dissatisfied at it, and offered to abandon it should I request.

Captain Porter is Land Purchase Officer and District Officer in his own district, where his experience in one capacity serves him in the other; but in my district briefs are made up, and it is injurious to thrust a stranger among them, and, especially where money has been paid, it is undesirable to disturb existing arrangements.

A Land Purchase Officer in one district ought not to interfere with the clients of an Officer in another district, nor do I think that a Judge should ask him to do so on any pretext whatever. If the officer so interfering has work elsewhere, he is precluded from knowing the conditions amongst which he places himself, and to appear suddenly upon the scene where a European opposition is interested—an opposition part of which has asserted its reliance, among other things, of the doubt being given in its favour—and to call clients together in the Courthouse at the opening of the Court to tell them what should be done, and how the case should be taken, is neither just to the Land Purchase Officer of the district, nor to the public interests that he represents.

I have, &c.,

J. A. WILSON,
Land Purchase Officer.

The Hon. Sir Donald McLean, K.C.M.G.

No. 2.

The UNDER SECRETARY, Native Department, to Messrs. LOCKE, ROGAN, CAMPBELL,
and CAPTAIN PORTER.

SIR,—

Native Office, Wellington, 11th August, 1876.

I have the honor, by direction of the Hon. the Native Minister, to forward copy of a report by Mr. J. A. Wilson, Land Purchase Officer, Poverty Bay, in order that you may have an opportunity of making such remarks thereon as you may deem necessary.

I have, &c.,

H. T. CLARKE,
Under Secretary.

The above letter sent to Mr. Locke, Judge Rogan, Mr. Campbell, and Captain Porter.

No. 3.

Mr. LOCKE to the UNDER SECRETARY, Native Department.

SIR,—

Napier, 25th August, 1876.

I have the honor to forward herewith my remarks on Mr. J. A. Wilson's report of 6th June, 1876.

I have, &c.,

S. LOCKE.

The Under Secretary, Native Department, Wellington.

Enclosure in No. 3.

MEMORANDUM ON Mr. WILSON'S REPORT of 6th June, 1876, as Land Purchase Officer,
Poverty Bay.

I THINK the plainest way to answer Mr. Wilson will be to follow his report clause by clause, as he has written it.

I.—Former Negotiations completed.

The statements and charges under this head require but a short answer from me. I am not aware of any "unprecedented proceedings," either on the part of the Judge of the district or myself, that in any way prevented Mr. Wilson from bringing his case into Court. Mr. Wilson shows by his own statement that he was guilty of very gross neglect in the discharge of his duties. He says, "On the 25th October last I requested that the Native Land Court might be moved to commence to take cases in the middle of February last in which the Land Purchase Department is interested in the district," &c., but on reference in the *Kahiti*, it will be found that very few, if any, of Mr. Wilson's blocks were notified until after 10th March, 1876. He could not, therefore, have his plans "ripe" in February "for passing twenty-three blocks through the Court, containing 270,000 acres." Private parties, on the other hand, had the blocks in which they were interested, duly gazetted for hearing, and they came before the Court in the regular way, and at the proper time.

II.—*Fresh Blocks purchased, &c.*

Mr. Wilson's statement in this clause of his report are not altogether correct; but as it contains no charge of any kind, I shall refrain from making any further remarks upon it.

III. to VII.—To these clauses I apply the same remark as to clause II.

VIII.—*Opposition and Intrigues of Europeans, &c.*

Mr. Wilson, in a round-about way, makes a number of charges against certain private individuals whom he alleges have opposed him in nearly the whole of his land-purchase transactions, and goes on to say, "I have characterized the opposition as remarkable. . . . It is remarkable, also, in the unusual facilities and protection it has received from the Judge and District Officer separately and combined," &c.

The main portion of this statement is so utterly untrue, that it is difficult, knowing the whole case so well as I do, to confine myself within proper bounds in answering it. The charges against the Judge of the Native Land Court of the district will no doubt be answered by the gentleman filling that important office in such a way as to dispel the gross aspersions that have been aimed at his character.

The first charge made against myself in this clause is expressed in the following words: "While in unusual facilities and protection received, it is noticeable in the District Officer, Mr. Locke, having granted permission to execute surveys in favour of Europeans over extensive tracts of country at a time when he knew I was negotiating the same, and had paid considerable sums upon them."

A stranger reading this would naturally imagine it referred to a considerable portion of the 594,882 acres named by Mr. Wilson in his report, but such is not the case. Had it been so I am quite prepared to admit that my conduct would have been extremely reprehensible.

The fact is it refers to a block of land called the Waingaromia, which has since been divided into three blocks, Nos. 1, 2, and 3, containing in the aggregate 32,000 acres, and also to the Tuakau Block of 19,388 acres—in all 51,388 acres—and I defy Mr. Wilson to deny this. Further on in his report, when referring to Waingaromia and Tuakau, or Mr. Campbell's lease, he alludes to them as separate cases. In connection with this charge there is another regarding the meeting with Captain Read, which is based entirely on questions arising out of difficulties attending the settlement of surveys of these two blocks.

I attach copies of letters from Mr. Baker, Deputy-Inspector of Surveys, dated 24th March, 1875, in which it will be seen that Mr. Wilson approved of the course taken, also letters from Major Ropata and other chiefs in reference thereto, proving that the whole of this case had been settled some fifteen months since.

It is desirable, I think, to give some explanation of the difficulties attending the survey of these blocks.

The Waingaromia Block of 32,000 acres is situated at the back of the Poverty Bay District, bordering on the Aitangahaiti or Tologa Bay and Ngatiporou Native lands, and, as is frequently the case with lands so situated, rival parties laid claim to it. Mr. Wilson, who, I believe, has never seen the land, endeavoured to purchase it from one party, and Mr. Cooper, a settler in Poverty Bay, from another, both laying claim to having been first in the field. Both parties desired that the land should be surveyed, but neither faction of the Natives was willing to give way to the other. As District Officer, I inquired into the matter, and, although I had had an acquaintance with the Natives and lands of the district extending over a period of twelve years, I was unable to decide which party were the rightful owners. I then referred the matter to the Government, and received full authority for granting leave to both parties to survey their respective boundaries, on the understanding that, after the Deputy Inspector of Surveys had completed the plans so as to show clearly to the Court the position of the respective claims, the case should be brought before the Judge of the Native Land Court for his decision in the usual manner. This is being carried out; the case is now before the Court, but no judgment has yet been given. I attach a memorandum dated May, 1875, which explained the whole matter at that time.

The charge of my having brought Captain Read to Mr. Wilson, and asked him (Mr. Wilson) to give Captain Read money on the lands, refers entirely to this Waingaromia Block of 32,000 acres, which appears to have been made the groundwork of all Mr. Wilson's false accusations. Finding, after inquiry, as said before, that it was very doubtful to which party the property belonged, and that the dispute was becoming serious, I suggested to Mr. Wilson that, perhaps the Europeans interested in the purchase, if spoken to, and some compensation given them to recoup the bare expenses they had gone to, would withdraw, and an amicable arrangement might then be made with the opposing Natives. To this he acquiesced, and we accordingly spoke to Captain Read on the subject. The conversation took place in the street and did not last more than fifteen minutes. Captain Read stated that he was quite willing to withdraw at once, but from what transpired it appeared plain Mr. Cooper would not, and so the matter dropped. I certainly never expected to hear of the subject again.

Mr. Wilson's whole idea from the first appears to have been that the Native Land Court should be used as an instrument for acquiring lands for the Government; my opinion being that the prestige of the Court should be maintained as an unprejudiced tribunal. If Mr. Wilson, as land-purchase officer, neglected his duty by not taking proper care to investigate all questions relating to the ownership of Native lands before advancing public moneys, thereby involving the Government, he should himself bear the responsibilities, and not attempt to make the Native Land Court a scapegoat for his wrongdoing.

With regard to the charge "that, supported by Judge Rogan," I defeated the obtainment of a Proclamation under the Immigration and Public Works Act, &c., I can only say that it had reference to these same blocks of land, and knowing that such a Proclamation would cause a disturbance and uneasiness amongst the Natives of the East Coast District, I took a course which is fully explained in the memorandum attached, dated May 1875.

Now, with regard to the Tuakau Block of 19,388 acres, or Mr. Campbell's lease, there was a question of disputed boundary and rival claimants, which progressed to such an extent that firearms were resorted to (see Major Ropata's letter herewith). One party of Natives seized the other party's chains, &c., and I suggested to the Government that the same course should be taken as with the Waingaromia Block: they coincided, and it was attended with the best results. It will be seen in the attached correspondence that Mr. Wilson stated at the time, "this appears the best course to pursue." The land has since passed the Court, 12,612 acres having been awarded to one party and 6,776 acres to the other. I am sorry Mr. Wilson, having gone so far in casting inuendoes, should deem it expedient not to repeat a statement he alleges that I made to him regarding Mr. Campbell's survey. I consider it is my duty to report to Government if reasons exist in my mind which lead me to think that a disturbance might arise in regard to any lands about to be brought before the Court, and, with their sanction, to take measures to prevent, if possible, such a catastrophe. I feel convinced that the action I took in both cases alluded to by Mr. Wilson tended much to the preservation of peace in the district, and prevented the Maoris from taking it for granted that, rightly or wrongly, the Government was determined to take their lands. The peace of the country appeared to my mind of more consequence than the acquiring of a few thousand acres of a very rough country. I fear that like troubles from the indiscriminate payment of public moneys are not yet over in the district.

After making these vague and malicious charges, Mr. Wilson goes over the same ground in another form. He then makes a charge in reference to surveyors not being supplied, &c. With regard to this, I would state that the law is clearly laid down on this point. The Inspector of Surveys or his deputy is responsible for this part of the business. The deputy was not appointed to the district until about the beginning of last year; prior to that I acted for all parties. I attach a memorandum sent in at that time in reference to the subject.

The assertion that I had to put up a Native to cover the retreat of the Court is simply ridiculous. Instead of running off to Wellington, had Mr. Wilson remained at his post and attended to his duties in investigating the claims of the parties with whom he was dealing, he would not have made such an unfounded and splenetic remark. I was not at the Tologa Bay and Waiapu Courts, not being able to attend either. Mr. Campbell, R.M., was authorized by the Government to act at both places as District Officer, and not Captain Porter, as stated by Mr. Wilson.

Captain Porter is Land Purchase Officer in the Waiapu District, and not District Officer, it not being deemed right that the purchasing agent for the Government, any more than the private speculator, should interfere in Court.

In conclusion, I would state that I have confined myself to facts in answering the charges that have been made against me, and that it is my urgent wish and request that a Board of Inquiry may be appointed to investigate the whole matter.

S. LOCKE.

Sub-Enclosure 1 to Enclosure in No. 3.

The DEPUTY INSPECTOR OF SURVEYS to Mr. LOCKE.

SIR,—

Survey Office, Gisborne, 24th May, 1875.

I have the honor to enclose a copy of the register in which all applications for surveys are entered, as received at this office, after your certificate has been attached to them.

In reply to the question contained in telegrams received from you on the 23rd May instant, the survey of the following blocks, authorized by you prior to my appointment to this district, are not yet completed:—Tuakau, by Mr. Skeet; Waingaromia, by Mr. Eiffie; Tuawhatu, by Mr. Sheppard. I learn from Mr. Cooper, who is, I believe, acting as an agent for the Waingaromia Block, that Mr. Eiffie has finished the survey of the said block, but that he has gone back again to retake some bearings.

Mr. Skeet, when at Gisborne, informed me that his men were cutting the lines of Tuakau, and that he intended to go on with the survey at once.

Mr. Sheppard has finished the survey of Tuawhatu, but he has not yet sent in the plans.

In reference to the Tuakau-Piranau dispute, after receiving your telegram, I sent Mr. Spencer with Mr. Teesdale to see the Natives, and he got Mr. Teesdale's instruments back for him. I sent a letter to Ruka Aratapu and others, telling them to give back the surveyors' instruments; that I had communicated with you on the dispute, and had received a reply that Sir Donald McLean desired to have the survey of both blocks gone on with; that after the surveys were finished, the case would be heard by the Native Land Court.

I also sent a letter to Judge Rogan, enclosing a copy of your telegram, and asked him, in event of the Natives refusing to give back the instruments, to speak to some of the chiefs who, I thought, would be attending the Land Court.

I told Mr. Teesdale that if he was again prevented from going on with his work in that part of Piranau overlapping Tuakau, he was to take up the survey at some other part of the block, and to report to me.

I sent a copy of your telegram to Mr. J. A. Wilson, who attached a memorandum to the effect that "this appears to be the best course to pursue."

I enclose a letter from the Natives who took Mr. Teesdale's instruments.

Since writing the above I have seen Mr. Eiffie, who is plotting his work on the Waingaromia Survey.

I have, &c.,

HORACE BAKER,
District Surveyor.

S. Locke, Esq., District Officer, Napier.

Sub-Enclosure 2 to Enclosure in No. 3.

RUKA ARATAPU and Others to the DEPUTY INSPECTOR of SURVEYS, Gisborne.

[TRANSLATION.]

FRIEND,—

Te Awanui, 16th May, 1875.

Salutations! This is a word from us to you, so that you will speak to Messrs. Simpson and Wilson, and their surveyor, with a view to their discontinuing their urging on the difficulty that exists in connection with that land, Tuakau, owing to their being deceived by the untruthfulness or deception of certain people (Maoris.)

2. That land (Tuakau) has been gazetted (for hearing by the Native Land Court) in the New Zealand *Kahiti*.

3. The survey lines have been also cut, and one half of the block surveyed by Mr. Skeet, which measurements are about equal to ten miles. Nor is it right to send a second surveyor to survey again the one block of land for fear that a difficulty should arise.

4. Those who have a claim to that land are the people who, on the investigation of title, can state their claims in the Court.

5. We admit we have acted wrongly with the things belonging to the European, Teesdale—that is, the surveyor—on account of one of his men surveying within our boundary line; hence our taking his theodolite and chain. Furthermore, we showed faithfully to that European the proper boundary line for Pirauana and for Tauwhareparae also. But our directions were not heeded, wherefore it was that the articles of the Europeans were taken, until he and his Maori companions should cease their urging the matter, when his things will be returned to him. We are willing and have no objection to the survey of the Pirauana Block—that is, its proper boundaries; also, Tauwhareparae.

Let your advice come to the Natives who deceived this Pakeha.

Ended. From us—

RUKA ARATAPU.

MATIU TAI.

HARATA PEROHUKA.

And Others.

To Mr. Baker, Deputy Inspector of Surveys.

Sub-Enclosure 3 to Enclosure in No. 3.

Major ROPATA to the Hon. the NATIVE MINISTER.

[TRANSLATION.]

MY FATHER,—

Waipiro, 15th May, 1875.

Salutations to you! On my arrival here I heard of the troubles between the surveyors and Maoris. Mr. Simpson was the Pakeha. When Simpson arrived there the survey of that land was finished by Mr. Skeet for the lease to Mr. Campbell by the men to whom the land belongs. Mr. Simpson went over with his associate and re-surveyed the survey already completed by Skeet and the owners of that land. Then those who first surveyed that land went over and took the instruments from Mr. Simpson's assistant. Those people have the instruments in their possession to give them back again.

Mr. Skeet was at Turanga when this trouble took place. The pegs of Skeet's survey have all been destroyed by the other surveyor. Tuakau is the name of that land, inland of Tokomaru. They took up arms against each other. I saw the guns of one party, and I took them away. Sufficient.

To Sir Donald McLean.

MEIHA ROPATA.

REFERRED to Mr. Locke, for such action as he may deem advisable.

By order.

21st May, 1875.

GEORGE H. DAVIES.

Sub-Enclosure 4 to Enclosure in No. 3.

MR. LOCKE to the Hon. the NATIVE MINISTER.

(Memorandum.)

25th May, 1875.

IN reference to the surveys of two blocks of land—viz., the Tuakau and Waingaromia Blocks—being done by my authority, I would state that other blocks were at the same time authorized; for instance, the subdivision of the Whatatutu Block, which Judge Rogan stated was the first instance of such a difficult task having been undertaken, also other blocks which were completed for the last Land Court.

The reason for such proceedings not in full accordance with the Act was the peculiar position I found the district in when I was appointed District Officer: the new Act being in force, but no Judge appointed for the district; no proper system of survey started, and no telegraph communication; at the same time, great pressure of parties to get land, with Natives in a great state of excitement. So I could only do the best under the circumstances, and accordingly authorized some surveys to be made, amongst others, the Waingaromia and Tuakau Blocks. The latter is the only one not completed. I in all cases have endeavoured to ascertain from Mr. Wilson (after his arrival as agent for purchase of land for Government), to what land he laid claim; at the same time informing him of what lands were being surveyed; and I always took the precaution to consult some of the leading chiefs in reference to any land before sanctioning its survey; and in the case in point, Major Ropata was consulted before authority was given.

I am quite aware that under the 69th clause of "The Native Lands Act, 1873," the Inspector of Surveys is the only legalized officer to authorize surveys; but it was not until last February that the Poverty Bay District was taken over by him. The gentleman now holding that office will bear me out in my statements that at once, on his arrival at Gisborne, I informed him fully of what had been done, and my reasons for doing what I had, I had previously reported to the Judge of the Native Land Court, Mr. Rogan, who only arrived a few weeks sooner.

On consulting with the Inspector of Surveys and the Judge of the Native Land Court on this occasion, the arrangement was made that all applications for land to pass the Court should in future be sent to me, and that I should then forward them to the Native Land Purchase Officer for the district, for remarks as to whether the Government held any lien on the land, and after the application had been returned to me to conclude the necessary inquiries, and refer to the Judge, in accordance with clause 38, "Native Lands Act, 1873," I would send them on to the Inspector of Surveys or his Deputy, to carry out the surveys in accordance with the requirements of the Act.

There are no surveys out on my authority at the present time, excepting Mr. Skeet, in the case of Tuakau Block, and as this survey is nearly completed, I consider that it would be better to furnish it; at the same time, Mr. Teasdale should conclude his surveys of lands under offer to Mr. Wilson, Mr. Teasdale being instructed to define on his plan all the land Mr. Wilson considers he has a claim to.

On the part of the Government I state the above opinion with the more confidence, feeling it to be the only solution of the matter, knowing as I do that the dispute between the Natives is one of long standing, and a simple plan now offers itself of adjusting it by both parties bringing their case in a clear manner before the Land Court.

With regard to Mr. Wilson's request that these lands be proclaimed under the Public Works Act, I should perhaps be going beyond my province in giving an opinion; if I did, it would be adverse to such a course, considering the complicated state of the title, &c. Such a proceeding would most probably be looked upon by the Maoris of the Ngatiporou District as buying land by Act of Parliament.

The Hon. the Native Minister.

I have, &c.,
S. LOCKE.

No. 4.

Judge ROGAN to the UNDER SECRETARY, Native Department.

SIR,—

Native Land Court Office, Napier, 6th September, 1876.

I have the honor to acknowledge the receipt of a copy of Mr. Wilson's annual report of land-purchase transactions during the past year.

In reply to the first paragraph of the report, I wish to state that Mr. Wilson has never made any application through me, nor was it necessary for him to do so. The Chief Judge is the administrative officer in whose office claims are arranged for proclamation in the *Gazette*, and the time and place for hearing are also fixed by him; then it afterwards becomes my duty to hear the claims published in the notices.

With regard to the statement in the report to the effect that twenty-three blocks of land were ripe for passing through the Court, containing 270,000 acres, I can only say that I know nothing whatever of them.

I have had a vellum tracing prepared of the whole district, which may be interesting as it exhibits every block of land passed by the Court of Commissioners and Native Land Court from the commencement to the present time. Mr. Wilson may be asked to furnish a list of the twenty-three blocks and mark them off on the tracing if he can; the same remark applies to the fifteen new blocks, said to contain 101,037 acres, and stated in the second paragraph of the report to have been purchased.

I also enclose a schedule of all the blocks of land which have passed the Native Land Court in the Poverty Bay District since the Government Agent arrived, which will form a key to the sketch. It will be seen that during this period 328,000 acres in the Poverty Bay District have passed through the Court, nearly the whole of which I believe to be in the occupation of Europeans. I do not know whether Mr. Wilson reckons any part of those 328,000 acres among the lands which he states he has acquired for the Government, but, if so, the fact must be that he has advanced money to Natives who have turned out to be not the real owners of the land, and although money has been paid no land has been acquired in return. My own conviction is that this has been done to a very large extent, and that the real object of the unfounded charges which Mr. Wilson has brought against me is to screen his own blunders in advancing money to Natives who have had no real claim whatever to lands which they pretended to own.

I deem it unnecessary to notice Mr. Wilson's vague and ridiculous charges of complicity on my part with private individuals. Neither the Government nor any one else has ever attempted to dictate to me in the discharge of my duties as Judge, and I can confidently appeal to my past career as a sufficient refutation of the imputations referred to.

With regard to the only special case adduced by Mr. Wilson—that of the Waingaromia Block—I enclose a special report and copies of the notices, which were taken to the Natives interested by Captain Porter. It will, I think, sufficiently appear from these that every facility was given to all claimants to obtain a proper hearing. In point of fact, an adjournment of that case for two months was granted at the request of the Natives whose claims were supported by Mr. Wilson.

I also enclose copies of two reports already sent by me to the Native Office, one relating to the Tologa Bay Court and the other to the Puremungahua Block.

In conclusion, I may be allowed to point out that during the last eighteen months, I have adjudicated upon numerous claims, involving upwards of 500,000 acres of land, including the 328,000 acres at Poverty Bay before mentioned, and there have been only three applications for rehearings. Two of the rehearings have taken place, and my decisions have been confirmed, and the third application is still pending. These facts I regard as a complete vindication of my action as Judge, and as conclusive evidence that I have acted as fairly as I could to all parties.

The Under Secretary, Native Department,

I have, &c.,
J. ROGAN,
Judge, Native Land Court.

Enclosure 1 in No. 4.

Mr. E. WOON to JUDGE ROGAN.

Mr. ROGAN,—

Gisborne, August 30, 1876.

In addition to the blocks of land passed the Court, enumerated in *Kahiri* No. 14, of 21st September, 1875, and Nos. 9, of 30th May, and 17, of 13th July, 1876, attached hereto, there are a number of others. Proper lists have been prepared and forwarded to the head office for publication. I attach a list thereof.

Judge Rogan.

EDWIN WOON.

Sub-Enclosures to Enclosure 1 in No. 4.

Name of Block.	Area.			No. of Owners.
	A.	R.	P.	
Waikanae or Waio Hiharore	278	0	0	23
Awapuni	174	0	0	90
" No. 1	195	0	0	78
" No. 2, Waio Hiharore No. I.	10	0	0	391
Waio Hiharore No. II.	10	0	0	391
Waingaromia	7,135	0	0	23
" (Te Toto)	100	0	0	31
" (Rangirewa)	200	0	0	17
Mangaoae	4,800	0	0	38
Ahirau	1,972	0	0	87
Turanga o te whetu i Apiti	9	3	7 $\frac{1}{2}$	11
Orakai a Pu	2	0	23	5
Ika tu o Pa	2	1	26	5
Makahaungahuru	4	1	23	1
Te Kowhai	277	0	0	69
Okirau	55	0	0	52
Rua o Taua	159	0	0	...

List of Blocks passed the Native Land Court held at Uawa (Tologa Bay), 5th July, to 20th July, 1876, inclusive.

Block.	Area.			Owners.
	A.	R.	P.	
Puremungaahua	2,890	0	0	12
Mokairau	1,677	0	0	41
Ngatawakawaka	1,657	0	0	10
Matatu o Tonga	1,385	0	0	7
Rangikohua	1,950	0	0	20
Mangapapa	1,340	0	0	31
Taumararata	2,900	0	0	33
Karamu Manono	150	0	0	9
Peketiti, or Rakau Tautine	678	0	0	90
Puketiti o te Wake	52	2	3	29
Puketiti	7,469	1	7	163
Wharekaka	640	0	0	14
" No 1	1,111	0	0	21

Wharekaka No. 2.—Evidence taken, judgment deferred. Totarahake.—List of owners taken down, judgment to be given.

J. ROGAN, Judge, Native Lands Court,

Per E. WOON, Secretary to Judge, East Coast District.

Native Lands Court Office, Gisborne, 25th July, 1876.

Enclosure 2 in No. 4.

Captain PORTER to Judge ROGAN.

Militia Office, Gisborne, 29th August, 1876.

I BEG to hand you attached copies of papers, &c., re Waingaromia lands, as requested.

T. W. PORTER,

Captain and Adjutant.

Re Waingaromia, First Sitting on 29th July, 1875.

Copy of circular sent at the request of Judge Rogan to the sub-tribes residing on the East Coast, as far as Hicks' Bay.

(242-75.)

E HOA,—

Tari o Maribia, Turanganui, 12th Hurae, 1875.

He whakaatu tenei i nga rohe o etahi pihi whenua kua karangatia kia Kootitia ki Turanga, hei te 29 o Hurae nei, 1875.

Ki te mea ka mohio koe ki nga hapu e whai take ana ki tenei whenua me tonoa kia haere mai kei hapa ; na Pita Huhu tenei ruri, me tenei Kooti.

Waingaromia Nama 1

Toromiro, Arakihi, Parikanapa, Makahakaha, ka tika ki roto ki te awa Waingaromia, ka tika atu ki te Kawakawa.

Waingaromia Nama 2.

Arakihi, Paraheka, Tangihungi, Te Whakaumu, Te Waiiau, Mangamaunu, Te Whakerokeronga, Te Mangatuamara, Waingaromia Ngutu Awa o Makahakaha.

Waingaromia Nama 3.

Moakaihau, Toromiro, Te Matai ki roto ko te awa Urumatai, Waihora ki Kanakanaia, ki te Moakaihau.

Waingaromia Nama 4.

Timata i Taumata o te Whakipakiha, te Whare o Rahui, te Rere Wharekareturetu. Nga Hapu e tona ana ki enei whenua, Te Whanau a Tu, Ngaiteorora, Ngatamatea. Heoi.

Na (signed) POATA.

[TRANSLATION.]

FRIEND,—

Militia Office, Turanganui, 12th July, 1875.

This is to inform you of the boundaries of some lands set down for adjudication at Turanga, on the 29th of July, 1875. If you know the *hapus* who have claims to this land, ask them to attend without fail. Pita Huhu caused the survey and application for investigation to be made.

Waingaromia No. 1.

Toromiro, Arakihi, Parikanapa, Makahakaha; thence into the Waingaromia River, and on to Te Kawakawa.

Waingaromia No. 2.

Arakihi, Paraheka, Tangihungi, Te Whakaumu, Te Waiiau, Mangamaunu, Te Whakerokeronga, Te Mangatuamara, Waingaromia, and mouth of Makahakaha.

Waingaromia No. 3.

Moakaihau, Toromiro, Te Matai, into the Urumatai River, Waihora to Kanakanaia, and back again to Moakaihau.

Waingaromia No. 4.

Commencing at Taumata o te Whakipakiha, Te Whare o Rahui, Te Rere, Wharekareturetu. The *hapus* applying for this land, Te Whanau a Tu, Ngatiteorora, and Ngatamatea. Ended.

From T. W. PORTER.

Enclosure 3 in No. 4.

Judge ROGAN to Captain PORTER.

Re Waingaromia, Second Sitting.

(Telegram.)

THIS Court will be brought to a close to-day. Received a message from Hone Kewa, saying his father is getting feeble; is anxious to have Court for Waingaromia lands opened soon. See Hone, and say if Tolago Bay people are willing. I will go on with the Court at Makaraka after rehearing cases are over, and will continue until it is time to attend Waiapu Court. It is possible I may go to Mohaka to-morrow. Let me know if a satisfactory arrangement can be made about this matter of Pita Te Huhu.

Wairoa, 1st March, 1876.

Captain Porter, Gisborne.

J. ROGAN,
Judge, Native Land Court.

Enclosure 4 in No. 4.

Captain PORTER to Judge ROGAN.

Re Waingaromia, Second Sitting.

(Telegram.)

Re Waingaromia, I beg to make following suggestions:—That Waingaromia and Tolago Bay cases should be heard by you at Tolago Bay, in March, or on any date you may determine, so as to get over all these difficulties before proceeding to Waiapu Court in April, as it is probable the latter will run into winter weather.

Gisborne, 1st March, 1876.

Instructed by you, I can adjourn Tolago cases from Waiapu, and can give notice about Waingaromia; if this does not meet your views, and you prefer hearing Waingaromia at Turanga, I will see the Natives on my way up coast, and report their disposition.

I think holding Court at Tolago would suit all parties.
Please reply soon.

Judge Rogan, Wairoa.

J. W. PORTER, Captain.

Enclosure 5 in No. 4.

Judge ROGAN to Captain PORTER.

Re Waingaromia, Second Sitting.

(Telegram.)

JUST received your message on my way to Gisborne. I think if the Court for Waingaromia lands were opened at Makaraka for a fortnight, then adjourned to Tolago Bay for the same period, afterwards to remove to Waiapu, will be a very proper course to pursue, as the Natives would be eaten up as we go along.

Captain Porter, Gisborne.

Wairoa, 2nd March, 1876.

J. ROGAN,
Judge, Native Land Court.

Enclosure 6 in No. 4.

Judge ROGAN to Captain PORTER.

(Memorandum.)

As it is impossible for me to say whether I can return from the Wairoa in time to go to Waiapu to open that Court on the 10th of the ensuing month, I have to request that Captain Porter will have the goodness to proceed to Waiapu and formally take my place, open the Court, and read over all the cases one after the other, and hear any application which may be made by Ropata, which will in all probability be, as I understand from him, for an adjournment for a month or six weeks, which will have to be granted.

Captain Porter, Gisborne.

21st February, 1876.
J. ROGAN,
Judge, Native Land Court.

Enclosure 7 in No. 4.

Captain PORTER to NATIVE CHIEFS and SUB-TRIBES, East Coast.

Copy Circular re Opening and Adjourning Waiapu Court.

Panuitanga.

Tari o Marihia, Turanganui, 20th o Pepuere, 1876.

HE kupu whakaatu atu tenei kia mohio ai nga tangata kua putu mai te Kahiti mo te Kooti o Waiapu, kia tu ki Wai o Matatini i te 10 o nga ra o Maehe; erangi, kaore e tu te Kooti i taua ra, ko au anake ka haere ki kona kia whakapuaetia taua Kooti ka whakanekehia ano ki te 10 o nga ra o Aperira, 1876, heoi, kei haere noa nga tangata ki reira, me noho atu nga tangata ki te kainga. Heoi.

Na (signed) POATA,
I te ngaromanga o te Rokena.

[TRANSLATION.]

Militia Office, Turanganui, 20th February, 1876.

THIS word is to inform the people of the receipt of the *Kahiti* notifying the sitting of the Waiapu Court at Wai-o-Matatini, on the 10th March. However, I will go thither merely for the purpose of formally opening the Court, and adjourning the same to the 10th April, 1876; do not go there for nothing, but stop at home. Ended.

From T. W. PORTER.
(in the absence of Mr. Rogan.)

No. 5.

Re WILSON'S COMPLAINT.

IN April last, Natives interested in certain succession cases concerning Te Marunga and Tolago Bay Township asked me to see Mr. Wilson. I called on him accordingly—as he would not call on me—and the arrangement arrived at was that the said cases were to be called on for hearing; but when the time arrived, and the case called, Henare Potae, who was in a state of intoxication, appeared on the scene, and succeeded by his violence in obstructing the proceedings of the Court. I will refer to his conduct hereafter, when the business of the Tolago Court shall have been disposed of, in about two months hence. Orders were made for the successors in the above cases during the last sittings of the Court at that place. I have no papers to refer to yet. I believe Te Marunga is a block of land which passed the Court years ago. How, therefore, could I make reference to a re-hearing? I distinctly deny ever having alluded to a period of nine months, for there is nothing about it in the Act. It exists only in Mr. Wilson's brain. I also deny that he has ever worked smoothly with the Court from the time he appeared at Opotiki to the present.

He made some application about fifteen months ago which could not be granted, upon which he left, and straightway said to Dr. Nesbitt that he would never enter Judge Rogan's Court again. He religiously kept his word, until the Tolago Bay Court, when Henare Potae's violence, alluded to, stopped the proceedings. If the Government have purchased these blocks of land from the Native owners, how then can Ferris, Cooper, or any one else, buy them afterwards?

My duty is to ascertain the ownership of the land and no more. If Mr. Wilson will go to Wellington, return and remain in Gisborne, and then write to the Natives at Tolago Bay to say that he will not go there, on account of his having no money, am I to adjourn the Court in consequence? Judging from his message, he must be labouring under some hallucination. I know nothing of his business, and he has never yet presented me with a document but one at Opotiki, which he called a "correct map," and which turned out to be nothing more than a mere hand-sketch. He now states that he made application to me out of Court. It is needless to say that I do not conduct business in the street. I deny having ordered grants to Robert Cooper, upon lands purchased by Mr. Wilson, who has never furnished me with a list of his purchases. Although I have assessed two deeds of Cooper's, I did so under legal advice.

Enclosure in No. 5.

Mr. GILL to Judge ROGAN.

THE attached are copies of accounts forwarded by Mr. J. A. Wilson, as payments made on account of the purchase of Puremungaahua and Matatuotonga Blocks for credit of his advance account. By direction of the Hon. the Native Minister they are forwarded for your information, with a request that you will be good enough to report on the minutes noted thereon by Mr. Wilson.

R. J. GILL.

Judge Rogan, Gisborne.

Gisborne, New Zealand.

THE NEW ZEALAND GOVERNMENT (Native Land Purchase Department), DR. to HEPETA MAITAI.

Auckland Province, Tolago District, Puremungaahua, 2,890 acres, price 2s. per acre:

Advance on purchase money	£5	0	0
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I was not aware when this amount was paid that Judge Rogan, departing from the rule, had within six months, the period allowed for appeal, ordered an indorsement upon the memorial of ownership, to grant this land under clauses 59, 60, and 61, "Native Lands Act, 1873," to one Robert Cooper. Still less could I have conceived it possible that the Proclamation in the *New Zealand Gazette*, 4th May, 1876, *re* this block, should have been disregarded by him. Not the least remarkable feature about this very partial business is the surreptitious manner in which it was done.—J. A. WILSON.—23rd July, 1876.

P.S.—I will, however, complete the title to the Crown as soon as I am furnished with an attesting Resident Magistrate.

Seventh payment on account of the above purchase. Former payments, £38.

I certify that, to the best of my knowledge and belief, the foregoing account is true and correct in every particular; and that the amount herein has been paid to the Native who has signed; and that an agreement to convey to the Crown has been duly executed.

J. A. WILSON.

Received from the Paymaster-General, by cheque No. 1175, countersigned this 21st day of July, 1876, by J. A. Wilson, Esq., the sum of £5 sterling, in full payment of the above account.

Witness to payment and signature—

HEPETA MAITAI.

W. K. NESBITT, R.M.

Gisborne, New Zealand, 21st July, 1876.

THE NEW ZEALAND GOVERNMENT (Native Land Purchase Department) DR. to HEPETA MAITAI.

Auckland Province, Tolago District, Matatuotonga Block, 1,385 acres; price, 2s. per acre. Purchase money advanced

...	£4	0	0
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I was not aware when this amount was paid that Judge Rogan, departing from rule, had, within six months, the period allowed for appeal, ordered an indorsement upon the memorial of ownership, to grant this land under clauses 59, 60, and 61, "Native Land Court Act, 1873," to one Robert Cooper. Still less could I have conceived it possible that the Proclamation in the *New Zealand Gazette* of 4th May, 1876, *re* this block should have been disregarded by him. Not the least remarkable feature about this very partial business is the surreptitious manner in which it was done. I will, however, complete the title to the Crown as soon as I am furnished with an attesting Resident Magistrate.—J. A. WILSON.—23rd July, 1876.

Seventh payment on account of above purchase. Former payments, £20 10s.

I certify that, to the best of my knowledge and belief, the foregoing account is true and correct in every particular, and that the amount herein has been paid to the Native who has signed, and that an agreement to convey to the Crown has been duly executed.

J. A. WILSON.

Received from the Paymaster-General, by cheque No. 1174, countersigned this 21st day of July, 1876, by J. A. Wilson, Esq., the sum of £4 sterling, in full payment of the above account.

Witness to payment and signature—

HEPETA MAITAI.

W. K. NESBITT, R.M.

No. 6.

MEMORANDUM by Judge ROGAN.

7th September, 1876.

THIS is the second time Mr. J. A. Wilson has stated that I have departed from rule—that within six months (the period allowed for rehearing) I ordered an indorsement on a memorial of ownership for Puremunga-hua and other blocks of land. He is either insane or deliberately and intentionally making false statements for the purpose of deceiving the Government. The order for the memorial of ownership is not even forwarded to the office in Auckland, neither will I do so in this case until the necessary period elapses, unless I am directed to do so by the Chief Judge.

The facts of this case are simple and clear. At the last sitting of the Native Land Court at Tolago Bay, Hepeta Maitai and a number of his tribe proved their ownership to Puremunga-hua. Mr. Wilson was expected to arrive with money for the purchase of this and other blocks of land which passed the Court. He went to Wellington, returned, stopped at Gisborne, and wrote to the Natives (I have a copy of the letter) to say that he had no money, and could not appear before them. This was published to the people assembled, and Hepeta Maitai and all the owners of the land then conveyed it to Cooper for 2s. or 2s. 6d. an acre, signed the conveyance, and came before me in Court acknowledging to have signed and taken the money.

A few days afterwards I left for Gisborne and Napier in the "Rosina." Hepeta Maitai was a passenger. On the 21st of July last he went to Mr. Wilson's office to repay money advanced by Mr. Wilson. He explained the nature of the conveyance and why they sold the land to Cooper. Mr. Wilson not only declined to receive back the advance, but insisted paying him this advance of £5 (as per voucher).

I hereby respectfully submit to the Hon. the Native Minister to surcharge Mr. J. A. Wilson with the above amount, pending an inquiry into his mode of conducting the purchase of lands in the Poverty Bay District for the last eighteen months. And I hereby call Sir Donald McLean's attention to the fact that if this person is allowed to continue this vicious practice of making indiscriminate advances to Natives for land throughout the Poverty Bay District, the public money will be wasted and no other result obtained. I will ask Sir Donald McLean at once if Mr. Wilson's conduct, even in this small transaction, is justifiable, apart from any other consideration—that after the names of the owners of this land were ascertained by the Court, he should pay this individual alone £5, without consulting the other owners, who were forty miles away at the time. It was not because the Native wanted money, as he had his pocket full of notes, which he handed to the captain to take care of, in my presence, for safe keeping on board.

J. ROGAN.

No. 7.

Judge ROGAN to the UNDER SECRETARY, Native Department.

SIR,—

Native Land Court Office, Napier, 6th September, 1876.

With reference to my letter of to date, in reply to charges made against me in Mr. Wilson's Annual Report of Land Purchase Transactions, dated 6th June last, I beg leave to demand a strict inquiry into those charges, when the deposition-book and all the records of the Native Land Court Office may be produced to show the manner in which the business has been conducted.

I also beg leave to be furnished with an exact statement of each and every payment made by Mr. Wilson on account of land—the date of such payments, the names of the different blocks of land purchased, the names of the Natives from whom those blocks of land were purchased, the amount paid to persons for exploration, the sums paid to Mr. Tucker for obtaining signatures to deeds, and the cost of surveys, more particularly of Arakihi, Tauwhareparae, Parariki, and Piranau.

The Under Secretary, Native Department,
Wellington.

I have, &c.,
J. ROGAN,
Judge, Native Land Court.

No. 8.

Mr. CAMPBELL, R.M., to the UNDER SECRETARY, Native Department.

SIR,—

Wellington, 23rd August, 1876.

With reference to certain charges made by Mr. Wilson, Lands Purchase Commissioner, in a report dated 6th June, 1876, against several officers of the Government, among whom I am included, I have the honor to state that the only block of land with which my name could in any possible way be connected is one called Tuakau. This piece of land was offered to my sons for lease nearly three years ago, by the Native proprietors, and declined by them. Two years ago, on the eve of my proceeding to Wellington for a few weeks, they requested me, if I possibly could, to get a good tenant for them. Happening to meet a gentleman, when in Wellington, who was desirous of obtaining some grazing country on the East Coast, I mentioned the request which these Natives had made. On my return to Waiapu I told the chiefs that I had met a gentleman who would take a lease of their land. They immediately wrote to Mr. Locke, District Officer, requesting him to send a surveyor, which he did. I must here state that, when I fulfilled my promise to the Natives of trying to get them a tenant, no appointment of Lands Purchase Commissioner had been made. When the surveyor appointed by Mr. Locke had partially done his work, another party, sent by Mr. Wilson, went on the land, giving great offence to the real owners. I think it will be shown, by evidence given in the Land Court at Waiapu, that one at least of those to whom Mr. Wilson advanced money upon this land had no claim whatever, and imposed upon him, being a stranger.

Mr. Wilson in alluding to Mr. Locke has, in my opinion, wandered very wide of facts, but that gentleman can speak for himself.

I will only add, in conclusion, that what I have here stated can be corroborated by all the Ngatira, who are the actual proprietors, and who have consistently declined to entertain any offers made by Mr. Wilson, and who (to their credit be it written) have more than once refused to break faith with the gentleman who leased their lands, although strongly bribed to do so.

The Under Secretary, Native Department,
Wellington.

I have, &c.,
J. H. CAMPBELL, R.M.

No. 9.

Captain PORTER to the UNDER SECRETARY, Native Department.

SIR,—

Militia Office, Gisborne, 21st August, 1876.

I have the honor to acknowledge the receipt of your letter of the 15th instant, submitting a copy of Mr. J. A. Wilson's Land Purchase Report for my information, and affording me an opportunity of making any remarks I may deem necessary.

In reference to any action of mine in connection with the matters alluded to, I have nothing to defend, as I was in the capacity of Acting District Officer, in the absence of Mr. Locke.

In reply to the allusion as to Mrs. Porter being a partner in a foreign claim upon Parariki, Mr. Wilson is in error, as she is a co-claimant with his clients, and as such is entered in the Court rolls.

Mr. Wilson is in error in many of his statements made in the report, and evidences a want of knowledge of both sides of the question, and can only be accepted as *ex parte*.

The Under Secretary, Native Department,
Wellington.

I have, &c.,
T. W. PORTER, Captain,
Native Land Purchase Officer.

II.—REPORT OF COMMISSIONERS APPOINTED TO INQUIRE INTO CHARGES AGAINST J. ROGAN, ESQ., JUDGE, NATIVE LAND COURT, AND J. A. WILSON, ESQ., LAND PURCHASE OFFICER—NOTES OF EVIDENCE, AND PAPERS IN RELATION THERETO.

No. 1.

The UNDER SECRETARY, Native Department, to Mr. CHARLES BROWN, C.C., and
Mr. JOSEPH GILES, R.M.

GENTLEMEN,—

Native Office, Wellington, 19th October, 1876.

Herewith I have the honor to forward to you a warrant signed by His Excellency the Governor in Council, appointing you Commissioners to inquire into charges of misconduct on the part of John Rogan, Esq., in his office of Judge of the Native Land Court, and also charges against John Alexander Wilson, Esq., of gross negligence as Land Purchase Officer.

Mr. Josiah Hamlin, of Napier, has been instructed to place his services at your disposal as interpreter.

Should you require any extra clerical assistance, you are authorized to engage the services of a suitable person.

Herewith I am directed to forward to you the papers relating to the transactions out of which the charges against the officers first above referred to have grown.

Charles Brown, Esq., C.C.
Joseph Giles, Esq., R.M.

I have, &c.,
H. T. CLARKE,
Under Secretary.

No. 2.

COMMISSION to CHARLES BROWN, Esq., C.C., and JOSEPH GILES, Esq., R.M.

NORMANBY, Governor.

To CHARLES BROWN, Esq., Civil Commissioner, Taranaki, and JOSEPH GILES, Esq., Resident Magistrate, Wanganui.

GREETING :

WHEREAS in a certain report on Land Purchases in the Poverty Bay District, addressed to the Hon. the Native Minister on the 6th day of June, 1876, by John Alexander Wilson, Esq., the Land Purchase Officer for the aforesaid district, and further, in two separate memoranda of date respectively the 23rd day of July, 1876, inscribed on some payment vouchers under the hand of the aforesaid John Alexander Wilson, charges have been made against John Rogan, Esq., one of the Judges of the Native Land Court of New Zealand, of misconduct in his office:

And whereas in a certain letter addressed to the Under Secretary of the Native Department on the 6th day of September, 1876, by the above-named John Rogan, in which he demands a strict inquiry into the charges made against him in the report first hereinbefore named; and further, in a memo-

randum of the same John Rogan in refutation of the charges contained in the memorandum herein-above secondly mentioned; and lastly, in a certain letter printed and published in its issue of the *Poverty Bay Herald* newspaper of Friday, the 22nd September, 1876, bearing the signature of the above-named John Rogan, charges have been made against John Alexander Wilson, Esq., of gross negligence in the making of advances to Natives indiscriminately, by which public money has been wasted:

And whereas it is expedient that certain inquiries should be made in respect of the foregoing premises, and into the truth of the said charges respectively:

Now, therefore, I, George Augustus Constantine, Marquis of Normanby, the Governor of the Colony of New Zealand, do hereby, by and with the advice and counsel of the Executive Council of New Zealand, appoint you the said

CHARLES BROWN, Esq., and
JOSEPH GILES, Esq.,

to be Commissioners to inquire into the administration of the said Native Land Court of New Zealand by John Rogan, Esq., one of the Judges of the said Court, and to inquire into all charges of misconduct of the said Judge in his office of Judge of the said Court.

And also to inquire into all charges of negligence on the part of John Alexander Wilson, the Land Purchase Officer in the Poverty Bay District, in making indiscriminate advances to Natives on land, by which any public money has been wasted: Provided that every such charge in either case be accurately stated in writing, every act of misconduct or negligence respectively charged being specified with reasonable certainty as to the nature of the misconduct or negligence respectively, and the time and place thereof; and that no inquiry on any such charge shall be had until at least three clear days' notice in writing thereof shall have been given to the particular person against whom such charge is made. And I do hereby, by and with the advice and consent aforesaid, require you, within two calendar months after the date of this Commission, or as much sooner as the same can conveniently be done (using all diligence), to certify to me, under your hands and seals, your proceedings and your opinions touching the premises.

And with the like advice and consent, I do hereby declare that this commission shall continue in full force and virtue, and that you our said Commissioners shall and may from time to time proceed in the execution thereof, although the same be not continued from time to time by adjournment.

Given under the hand of His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave, of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave, of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same; and issued under the Seal of the said Colony, at Wellington, this eleventh day of June, in the year of our Lord one thousand eight hundred and seventy-five.

Approved in Council.

DONALD McLEAN.

FORSTER GORING,
Clerk of the Executive Council.

No. 3.

Mr. CHARLES BROWN, C.C., and Dr. GILES, R.M., Commissioners, to the UNDER SECRETARY,
Native Department.

SIR,—

Gisborne, Poverty Bay, 23rd November, 1876.

We have the honor to report that, according to the terms of our commission, which was forwarded to us with your letter of the 19th October ultimo, we have made inquiry into the charges and counter-charges between Mr. John Alexander Wilson, Land Purchase Officer for the Poverty Bay District, and Mr. John Rogan, Judge of the Native Land Court in that district. We have heard the evidence of the parties themselves and of other witnesses, and it now remains for us to express our opinion upon the matters which have come before us.

The charges into which we have been directed to inquire are of misconduct on the part of Mr. Rogan, in his office as a Judge of the Native Land Court, and of gross negligence on the part of Mr. Wilson, in the expenditure of public moneys for the purchase of Native lands. It appeared necessary that we should begin by forming a distinct opinion respecting the limits imposed upon our inquiry by these directions, and the kinds of actions which, under the respective headings of misconduct and negligence, could with propriety be submitted to us for investigation.

The opinion which we formed respecting the instances of misconduct on the part of a Judge with which we were competent to deal was that such instances must involve acts capable of distinct proof by appropriate evidence, and which, when so proved, should be manifestly wrong and inconsistent with the plain duty of a Judge. As examples of this class may be instanced bribery and corruption, the adjudicating on cases in which the Judge is interested, the refusal of a hearing to any party properly before the Court, the decision of cases not properly before the Court, the taking of parties by surprise by hearing their cases without sufficient notice, the expression of opinion out of Court upon cases not yet decided, the exhibition of violent or unbecoming personal demeanour on the Bench, or any expression of animosity against a party to a cause. All such matters as the above might form fair subjects for our inquiry; but we were clearly of opinion that all decisions of the Court, and all its rulings upon points of law, were entirely beyond our cognizance. We have considered that such decisions and rulings must be assumed to be correct until they are reversed by competent legal authority, and that it could in no case fall within our province to say that any judgment of the Native Lands Court was either unjust or illegal.

On the other hand, the charges against a Land Purchasing Officer of negligently making indiscriminate advances seemed, when referred to us as a matter of inquiry, to offer peculiar difficulties of their own. To examine into the payment of money in any given case with the view of ascertaining whether it had been paid to persons who were not the true owners, would be to examine into Native titles, and so to usurp the functions of the Native Land Court—a course which was, no doubt, as far removed from the intention of the Government as it would be obviously beyond our power to pursue. But if, to avoid this difficulty, we should confine ourselves to cases in which the lands had passed the Native Land Court, there would seem to be little to inquire about which the Government had not already the means of knowing. The award of the Court, with the list of owners, can always be obtained, and by comparison of this with the Land Purchase Officer's accounts it can always be seen whether money had been paid to persons not entitled to convey. But outside of the above two classes of cases, in which any inquiry by us appeared either impossible or superfluous, we thought it possible that evidence might be offered of such obvious negligence in the payment of money without proper inquiry as would enable us to take cognizance of it without any investigation of Native title. Such evidence we were, of course, prepared to receive; but we may be allowed to express our opinion that, generally speaking, the test of negligence or diligence on the part of a Land Purchasing Officer must be the success of his negotiations in acquiring for the Government a title to the lands for which public moneys have been paid. And whether his success in such negotiations has been as great as was fairly to be expected, we think the Government can determine better than any Commission of inquiry.

In the present case Mr. Wilson excuses any failure which he may have experienced in his land transactions by throwing the blame upon the Native Land Court and upon other persons. That this is the true state of the case appears from Mr. Wilson's statement that the cause of his report was a rumour which had reached the Government that large sums of money were being lost through purchases being made by him from parties not entitled. Mr. Wilson's charges, therefore, are to be considered not only as attacks upon others, but as a defence of himself. If proved, they would exonerate him from all blame for any failure in his land negotiations; but if not, his transactions would still have to be judged by the simple and efficient test of the degree of success with which they had been attended.

The terms of our commission required that every charge should be specifically stated in writing, and three days' notice given to the party affected thereby. We therefore commenced our proceedings by calling upon the respective parties to reduce to writing any fresh charges which they might wish to make, and to put into a more definite shape any others contained in the documents before us, but alleged in too general a manner to admit of our dealing with them. In response to this invitation, Mr. Wilson handed in two papers bearing date the 28th and 30th October respectively, which will be found amongst the papers forwarded herewith, and the contents of which will be noticed in their proper place.

We now proceed to report upon the several matters which have come before us, and this we shall endeavour to do in such a manner as may facilitate the apprehension of the whole subject in its principal bearings. And the first point upon which we shall touch will be the state of the Survey Department at Poverty Bay in the latter part of 1874 and the beginning of 1875. It was in the early part of the latter year (24th February, 1875) that Mr. W. H. Baker was appointed Deputy Inspector of Surveys. Up to that time there had been no proper organization of the department. At the time of Mr. Baker's appointment there were surveys going on in different places, some on behalf of the Land Purchasing Department, and some for Natives not in negotiation with that department. Mr. Wilson had been in the habit of employing and instructing surveyors himself for his own work, such surveyors being first approved as competent by Captain Heale, the Inspector of Surveys. After Mr. Baker's appointment applications for surveyors were made to him, but before that time Mr. Locke, the District Officer, seems to have been the only person who authorized surveys applied for by persons other than Mr. Wilson. It is not pretended that the authorizing of surveys in those days was done in strict conformity with the provisions of "The Native Lands Act, 1873." Such conformity was almost impossible in the absence of an Inspector of Surveys, and of a Judge of the Land Court; but Mr. Locke, as District Officer, did the best he could, and Mr. Heale afterward gave retrospective sanction to the course that had been adopted. At a meeting between Mr. Locke and Mr. Heale in February, 1875, it was arranged that the latter should take over all surveys then pending, and that in future things were to be done in accordance with the requirements of the Act.

This being the general state of things with respect to surveys, we can now inquire how far Mr. Wilson's complaints on this subject are well founded. In his annual report of the 6th June, Mr. Wilson uses the words "had surveyors been furnished in March, April, and May, 1875, when I applied for them." It appears in evidence that on the 25th February, 1875, Mr. Wilson asked Mr. Heale for two parties of surveyors. These not having been obtained, Mr. Wilson on the 1st April telegraphed to the Native Minister on the subject. It appears that at this early period Mr. Wilson had begun to indulge suspicions of some illicit agency being employed against him, for in this telegram he complained of some influence which seemed to hinder his getting surveyors. The only circumstance, beyond the fact of the delay since his application to Mr. Heale, that could have suggested this suspicion, seems to have been that all that time surveys were being made for other persons who were negotiating for the same lands as Mr. Wilson. On the 6th April, Mr. Heale telegraphed to Mr. Wilson that the surveyors could be supplied. Mr. Wilson further states that, on the 19th April, Mr. Heale expressed to him his regret that he (Mr. Wilson) had not been informed of instructions which had been given by Mr. Baker to the surveyors that they were not to go out without special instructions from him. On the 19th May, Mr. Wilson sent in written requisitions to Mr. Baker for surveys. Afterwards Mr. Simpson, who was about starting on survey work for Mr. Wilson, was taken away by Mr. Baker to do some work of subdivision, for which he was thought by Mr. Baker and Mr. Locke the most suitable person that could be obtained. On the 8th July, Mr. Wilson, despairing of getting surveyors, telegraphed to Mr. Clarke, the Under Secretary of the Native Department on the subject, and after that, he says "the surveys proceeded more vigorously." No doubt the interval between the 25th February and the 8th July seems a long time to wait, but it does not appear that the application

to Mr. Heale on the former of those dates was anything but verbal, and it does not appear to us to be sufficiently explained why no written applications were made until the 19th May. Until Mr. Wilson got a telegram from the Native Minister on the 10th May on the subject, he does not seem to have recognized Mr. Baker as Deputy Inspector, and yet, on the 25th February, Mr. Heale told Mr. Wilson that Mr. Baker represented him as Deputy Inspector of Surveys, and seemed to anticipate a difficulty in the department, owing to the manner in which Mr. Simpson was employed on surveys by Mr. Wilson. But he seems to have given Mr. Wilson no specific information as to going on with Simpson or not as before. Mr. Wilson having been thus informed of Mr. Baker's position on the 25th February, the very day after his appointment, it does not appear why Mr. Heale, on the 19th April, should have made an "apology," as Mr. Wilson has called it, for information not having been supplied as to the survey regulations, and we must regard such apology as being only a polite expression of regret on Mr. Heale's part if any misunderstanding had occurred. Mr. Wilson says that during the time he had to complain of not getting surveyors, and when he was telegraphing to the Native Minister about some secret influence which obstructed him, he made no application to Mr. Baker on the subject. He did not think it his business to go to Mr. Baker and ask for any explanation of the delay. This view of the matter seems to us very difficult to understand, and we are not surprised to find that its adoption by Mr. Wilson should have occasioned him some delay in getting his wishes attended to. Of the delay after the 19th May, the only explanation given is the general statement of Mr. Baker that upon receipt of written applications the surveys were always pushed on as quickly as possible. The employment of Simpson on a different business was, no doubt, an inconvenience to Mr. Wilson, but it was a matter fairly within the discretion of the head of the department. Upon the whole we can find no evidence that the delay in supplying surveyors was caused by any wrong motive, or any desire to obstruct on the part of any officer connected with the department; or that there was any secret influence at work against Mr. Wilson; or that there was any undue delay which cannot be in part accounted for by contributory negligence on his own part.

Mr. Wilson's next complaint on the subject of surveys is that Mr. Locke gave authority for surveys, on behalf of rival purchasers, over lands for which he knew that Mr. Wilson was in negotiation. The lands especially referred to are Waingaromia and Tuakau. The following remarks apply to the former of these:—Mr. Wilson says that some time between Mr. Locke's arrival at Poverty Bay, in February, 1875, and the month of April, he (Mr. Locke) gave authority to Pita te Huhu, the Native who was professing to sell to Cooper, to have the land surveyed, Mr. Wilson having previously informed Mr. Locke of his negotiations. This statement is not strictly correct. It is certain that application was made to Mr. Locke for authority to survey these lands as far back as the year 1873. Mr. Locke approved of the application, but expressed some doubt as to his power to give the necessary authority. He promised to make arrangements if possible, and informed Mr. Campion that there would probably be some surveys for him to undertake. This being the case, we cannot see any reason whatever why the subsequent negotiations of Mr. Wilson with parties setting up an adverse claim to that of Pita te Huhu should deprive the latter of the survey for which he had applied so long before. After Mr. Locke's arrival at Poverty Bay, in February, 1875, and when the Survey Department was taken over by Mr. Baker, Mr. Locke no doubt approved of the survey, which he had approved of fifteen months before; and in carrying out that survey upon the original application of Pita te Huhu, we cannot see that any wrong was done to any one. This complaint of Mr. Wilson's seems to affect Mr. Locke rather than Mr. Rogan; but Mr. Wilson's report so plainly implies that the Native Land Court and the District Officer have been in league against him in the interests of some other favoured purchasers, that it was impossible for us to have an adequate apprehension of the subject without going into this part of it.

The other block of land of which Mr. Locke is said to have wrongly authorized the survey is Tuakau. We have taken no evidence relating to the block, because Mr. Locke has already fully explained his reasons for what he did in his memoranda of the 25th May and 25th August, 1876, and because no attempt has been made to impugn, by evidence, his good faith and good intentions in the matter. Our opinion is that Mr. Wilson has no good cause of complaint on the ground that wrongful authority has been given to survey lands in the interest of parties antagonistical to his purchases.

On the 7th July, 1876, Mr. Wilson had an interview with Mr. Locke and Captain Read. At this interview a proposal to buy out Cooper, who was opposing Mr. Wilson in the purchase of Waingaromia, was discussed. Whether at that time Captain Read had advanced money to Cooper does not appear, but he certainly did so afterwards. The proposal to buy out Cooper came to nothing—Mr. Wilson says, because he would not entertain it; Mr. Locke says, because Cooper's demands were exorbitant. However this may be, it seems clear that Mr. Locke thought Cooper's claims likely to prove a serious obstacle to Mr. Wilson's negotiations, and that this proposal was a *bonâ fide* effort on his part to facilitate matters for the Government purchaser. Yet Mr. Wilson, by the manner in which he mentions this interview in his report, suggests in the plainest way that the District Officer was leagued with Cooper and Read against him. At the time these things were going on the Native Land Court was sitting. The session began on the 18th June, and went on until the end of July. On the list of causes for hearing at that Court was a block of land called Waingaromia. This land was gazetted on the application of Pita te Huhu, the same Native who had applied to Mr. Locke to have it surveyed in 1873. The notice in the *Kahiti* is dated the 14th May, and the boundaries of the land are very imperfectly set forth. If the description in that *Gazette* is compared with the block marked Waingaromia (without number) in the map, it will be found that the boundary is sufficiently defined to exclude the block on the eastern side called Waingaromia No. 3, but that it stops abruptly at a point called Toromiro, and continues no farther in a northerly direction. But the surveyors employed for Pita te Huhu had extended their survey so as to take in lands which were the subject of negotiations by Mr. Wilson. Mr. Cooper, who was purchasing from Pita te Huhu, alleges that the *Gazette* notice of 14th May was not the one which he applied for to Mr. Locke in 1873. He says that his first application to Mr. Locke comprised the lands which were afterwards taken in by the surveyors, and Mr. Locke thinks that this may have been the case, although no such document can be

found. As a consequence of this state of things, Pita te Huhu and his party were pressing the Court to hear, under the name of Waingaromia, all the lands which had been included in their survey. Mr. Rogan thinks that he might legally have done so—an opinion which appears to us open to question; but Henare Potae, and the Natives who were dealing with Mr. Wilson, were opposed to this course, being desirous that these lands should come on for hearing upon their application and upon their surveys. The course ultimately decided upon, by the suggestion of the Court, was that a new *Gazette* notice should be hastily obtained, comprising these lands, and notifying them for hearing during the sitting of the Court then going on. An application was accordingly made, and forwarded by Judge Rogan to Auckland by telegram, upon which an order for hearing was made out in Auckland and inserted in the *Kahiti* of the 27th July, 1875. The order was dated the 12th July, and the hearing was made for the 29th. The lands were described as Waingaromia 1, 2, 3. The Chief Clerk in Auckland, when informing Mr. Rogan of the issue of the order for hearing, called attention to the shortness of the time for giving the usual notices. But such notices as the time admitted seem to have been given. Accompanying Mr. Rogan's letter of the 6th September to the Under Secretary of the Native Department is a circular, which was sent by Captain Porter, at Mr. Rogan's request, to the Coast Natives. Some Natives, on receiving this notice, refused to attend, and a number of them joined with Henare Potae in writing a letter to the Court. At the sitting of the Court, on the 29th, several objectors appeared on behalf of the party with whom Mr. Wilson was dealing. It was decided to hear the case of the claimants represented by Pita te Huhu, and after that to adjourn the hearing, so that the opposite party might have time to prepare their case. Now, the whole essence of the proceedings above described lies in the fact that a very unusual degree of haste was used in getting these lands gazetted for the 29th July. For aught we know, the technical propriety and the legality of the step taken may admit of question, but with that aspect of the matter we do not concern ourselves. The only question we have to answer is this: Did Judge Rogan act in this business with good faith, and with an honest desire to facilitate the hearing of the matters before him in a manner that should be fair to all parties? Or, on the other hand, was he, as Mr. Wilson's report plainly implies, in league with a person interested in the case before the Court, and attempting to take the adverse party by surprise, by hurrying on a judgment without due notice to those concerned? Mr. Wilson makes a good deal of Mr. Rogan's visits to Captain Read's house. Read had advanced money to Cooper, and Cooper was purchasing from Pita te Huhu; but Judge Rogan, and Judge Munro too, had been accustomed to have quarters at Captain Read's house long before any such connection with Cooper had occurred; and we cannot see in Mr. Rogan's visit to Captain Read on the 19th July the slightest warrant for calling in question his motives as a Judge, unless what he did in that capacity was plainly wrong. That it was so Mr. Wilson seems to have had no doubt. It must, of course, be admitted that the appearance of the order for hearing on the 29th would naturally beget in the minds of those who were not cognizant of all that had taken place during the sitting of the Court a suspicion that an attempt was being made to get the hearing hurried on. It appears that this was the impression entertained by Captain Porter before he received from the Judge the circular notice for distribution. But we cannot help thinking that any party who was concerned in the matter ought, instead of at once imputing the worst motives to the Court, as Mr. Wilson evidently did, to have attended the sittings and have ascertained for himself whether the Court had been misinformed or was being misled, and what were the views and intentions of the Judge. But instead of attending the Court, Mr. Wilson hastened off to Wellington, where he arrived on the 20th July, and there urged upon the Government the proclamation of the lands under section 42 of "The Immigration and Public Works Act, 1871." This being referred to Mr. Locke, he gave his opinion against the adoption of such a course, and further stated that when the case came on an adjournment for a lengthened period would be obtained, so as to give the objectors all necessary time. The Government acquiesced in this, and relied upon Mr. Locke to protect its interests. Yet Mr. Wilson, after this, informed Captain Porter, by telegram, that Mr. Locke "had been directed by the Native Minister" to postpone the case. And in a passage in his report, further explained in his evidence, he asserts that this correspondence between the Government and Mr. Locke was "the real cause" of the adjournment, which was ostensibly granted upon the application of a Native put up by Mr. Locke "to cover the retreat of the Court." Mr. Wilson thus takes credit to himself for having, by his energetic action in going to Wellington, frustrated the machinations of the opposite party, as well as the intention, which Mr. Wilson assumed was entertained by the Court itself, to bring about a premature hearing of the case.

But we see no reason whatever for calling in question the good faith of the Court in the matter. The hasty notification of hearing on the 29th July appears to us to have been made for reasons of convenience, and for the purpose of bringing the whole of the matters in dispute before the Court at that sitting. But there is no ground for saying that the Judge ever intended to force on the hearing if good cause could be shown for a postponement. Mr. Locke's telegram to the Government implies that a postponement was the course contemplated from the first; and we think that Mr. Wilson might have ascertained this for himself had he put himself in the way of such information, instead of going to Wellington to make his complaint to the Government.

We cannot leave this part of the subject without calling attention to the circumstance that the Court at which these things were done had been sitting since the 18th June. But neither in Mr. Wilson's report, nor in his evidence, is the slightest hint of this fact given; and until we heard the evidence of other parties, we were left to suppose that this Court of the 29th July was entirely a new Court, "the session" of which "was opened in this district" on that date, and that no such name as Waingaromia had ever been before the Court until that day. Mr. Wilson may have thought these facts immaterial, but we consider them of much importance; and we think it much to be regretted that when engaged in aspersing the character of a Court of justice, he should have presented a garbled statement of facts.

We must now briefly refer to that part of Mr. Wilson's report in which he speaks of Mr. Locke and Judge Rogan as defeating his attempt to get lands proclaimed under section 42 of "The Immigration and Public Works Act, 1871." One would be inclined to suppose, from the latter part of the paragraph referred to, that the rival land purchasers were offenders against the criminal law, from the

operation of which they were being screened by the Judge and the District Officer. But, setting this aside, there can be no doubt what this paragraph means when read and interpreted by the general context of the document in which it occurs. It means that the Judge of the Native Land Court and the District Officer, acting in concert, and in the interests of certain private purchasers of land, did oppose the making of a Proclamation on the ground of a Native difficulty which had no existence, and which they invented for the occasion. It is true that Mr. Wilson has several times repudiated such construction of his words. He alleges that when he speaks of an imaginary Native difficulty, he does not necessarily mean a fictitious one, and he had even gone so far as to say more than once that his report does not contain any charges at all. We can only say that in that case his mode of expression is most unfortunate, since it has led several persons to believe that most serious accusations had been made against their characters, it has induced the same opinion in the Government, and has caused the institution of a Commission of Inquiry, which, according to Mr. Wilson, was totally unnecessary.

In this matter of the Proclamations, Mr. Locke, as was his duty, expressed his opinion to the Government, and Mr. Rogan seems to have agreed with him. It was no doubt Mr. Locke's misfortune that his opinion differed from Mr. Wilson's; but surely the reasons for his opinion are sufficiently plausible to justify him in expressing it without any imputation being thrown upon his conduct or motives. When rival parties of Natives are claiming the same land, and are wishing to sell it to different purchasers, it seems natural to suppose that some dissatisfaction may be caused by the Government stepping in with a Proclamation and arbitrarily settling the dispute in its own favour, particularly when the land is not alleged to be wanted for gold mining, or the establishment of special settlements, or for railway construction. We presume that each case must be judged on its own merits, and that there will often be room for difference of opinion; and in the case before us we believe that Mr. Locke gave his opinion freely and honestly, and we regard any suggestion to the contrary as totally unworthy of credit. It follows, of course, that if the District Officer was entitled to his opinion on this subject, no blame can attach to the Judge of the Native Land Court for agreeing with him.

Before passing on from the Court of July, 1875, it seems desirable to notice Mr. Wilson's statement as to the notifications of that Court not arriving at Gisborne until eight days after the Court had been held. This passage appears to be founded upon a misapprehension of section 36 of "The Native Lands Act, 1873." The notifications referred to by Mr. Wilson were in the *Gazette*; but it does not appear from section 36 that there is any necessity for a special distribution of the *Gazette*, although, as a rule, that would perhaps be the most convenient mode of distributing the notices. But all that the Act says is that the notices are to be sent to certain persons, and also to be inserted in the *Gazette*. In the present case notices had been given before the day of hearing.

We come now to the Court fixed for the 10th March, 1876, at Waiapu. The Judge was not present at this Court, which was adjourned by Captain Porter, acting under the Judge's authority. This was done on the request of Meihā Ropata and other Natives, in consequence of a flood by which their food had been destroyed.

Mr. Wilson goes on to state in his report that on the 14th March a notice was suddenly given of a Court to be held at Poverty Bay on the 16th, thus allowing only forty-eight hours for the attendance of Natives, who were away at Waiapu, whilst the supporters of Read and Cooper were on the spot. This Court was for the hearing of Waingaromia.

Mr. Wilson seems to have written this in ignorance of the facts. The notice of the 14th was not the only notice given of the sittings of the Court, and was only intended for the information of those in the neighbourhood. A reference to the telegrams which passed between Judge Rogan and Captain Porter, and which are appended to the letter from the former to the Under Secretary of the Native Department, of the 6th September, will show that proper arrangements were made for the holding of this Court. The Court was only for adjourned cases. The Coast Natives had due notice, and attended the Court. Mr. Wilson does not pretend to say that they did not, and his assertion that they had only forty-eight hours' notice is incorrect in fact.

The Court held a sitting at Tolago Bay in April, 1876, at which Mr. Wilson, for the first time, we believe, during a long period, was present. Of this sitting Mr. Wilson has given an account in his report and his evidence, and has described a scene in Court in which Judge Rogan was involved with Henare Potae on one day, and Rutene Kuhukuhu on another. We need not dwell upon this part of the subject. We are satisfied, from the evidence, that Henare was certainly, and Rutene probably, under the influence of liquor, and that the conduct of both of them was improper and offensive. In such circumstances we do not think it would be fair to criticise too minutely the exact expressions of the Judge, or the precise changes which passed over his countenance. We think the evidence does not show that the Judge misconducted himself on the bench. During this session of the Court Captain Porter arrived, and it appears to have been mainly owing to his efforts and influence amongst the Natives that the Court was able to get through any business.

We pass over the question concerning the demands of Henare Potae as to the mode of procedure, because we consider that on such a question the Court is the sole judge; and we go on to notice that Mr. Wilson appears, from his report and his evidence, to have felt considerable annoyance at the intervention of Captain Porter on this occasion. We do not think it necessary to discuss this subject at any length, but we can see no reason for Mr. Wilson's complaints. It is not surprising if Judge Rogan was very glad to see Captain Porter appear on the scene, and to avail himself of his services; and if Mr. Wilson's statement is true, although it is denied by Judge Rogan, that the Court took the cases in the manner desired by Henare Potae and Mr. Wilson, it would seem that this arrangement must have been brought about by Captain Porter, in which case it appears rather ungracious of Mr. Wilson to complain of his intervention.

In the month of July, 1876, the Court sat at Tolago Bay, and on this occasion was investigated the title of three blocks of land—Puremungahua, Matatuatonga, and Ngatawakawaka. These are the lands respecting which Mr. Wilson made notes on two payment vouchers, on the 23rd of July, which will be found amongst the papers, and are referred to in our commission.

These lands were under negotiation to Mr. Wilson, and had been proclaimed under section 42 of "The Immigration and Public Works Act, 1871." The title having been investigated, judgment was given in favour of the claimants on the 8th July. Neither Mr. Wilson nor the District Officer was present at the Court, but Captain Porter was present in the latter capacity during a part of the time. During this sitting of the Court the Natives, who had before negotiated with Mr. Wilson, signed a conveyance to Cooper. On or about the 13th, Mr. Campbell, Resident Magistrate of Waiapu, attested their signatures; on the 20th, Cooper brought his Natives into Court to ask that their acknowledgement of their deed might be taken; the deeds were produced, the duty was assessed, and a note of the amount payable was made on them. A memorandum also of the professed sale to Cooper was indorsed on the orders for memorials of title. Of these proceedings Mr. Wilson complains as wrong, because the Judge ignored the Proclamation, and the notorious fact that the land had been sold to the Government. To this it is replied that the Proclamation had not been put before the Court, and that the Natives had received a letter from Mr. Wilson to the effect that he could not come because he had at that time no money for them. Here, as elsewhere, we have not to decide whether Mr. Rogan rightly interpreted the law, but whether he acted in good faith and according to the best of his judgment. He appears to have hesitated at first, and afterwards to have recorded the transactions on the understanding that Mr. Cooper was to take the risk of any legal difficulties. This understanding, which we believe has been called a "stipulation," even by Mr. Rogan himself, of course goes for nothing, and is altogether beside the business of a Judge; but we think it is not surprising if Judge Rogan felt a little puzzled as to what he ought to do.

It would seem that what was done was intended as a compliance, so far as circumstances would admit, with the provisions of section 59 and following sections of "The Native Lands Act, 1873." But it is clear that section 59 supposes that a memorial of ownership has been drawn up, in which case a memorandum of transfer is to be signed by the Native owners, and a certificate of the completion of the sale is to be indorsed upon the memorial of ownership. It is clear that these conditions were not complied with in the case before us. There was no memorial of ownership, but only an order for the same, and it appears to be the practice of the Court, by the authority of the Chief Judge, that these orders should be forwarded to Auckland, where the memorials are made out after the expiration of the seven months allowed by law for the contingency of a rehearing. It appears, therefore, to have been thought that as the title of the vendors existed as yet only in an inchoate condition, so the transfer to Cooper might be put on a corresponding footing, by indorsing on the orders for memorials memoranda which might be converted into complete transfers when the memorials themselves should be made out. But it does not appear clear that these indorsements could have any legal effect. It would still be open, by making representations in the proper quarter, to prevent a memorandum of transfer from being drawn up; or the Government might refuse a Crown grant under section 61; or lastly, the effect of the Proclamation might be to make the sale to Cooper entirely void *ab initio*. From any point of view, the indorsements on the orders for memorials seem to amount to nothing more than memoranda that certain Natives had said and acknowledged certain things in the presence of the Judge. If they had said and acknowledged such things, could there be any harm in making a note to that effect? On the one hand, Mr. Cooper might urge that if the sale was fully agreed upon between the owners and himself, he was entitled to have the transaction recognized by the Court; and on the other hand, it may be said that it is the duty of the Court, under section 59, to "make inquiry into the particulars," and to certify "that no difficulty exists in respect of the alienation." The Proclamation, had it been before the Court, would seem to have presented such a difficulty; but we are not prepared to blame Judge Rogan for not taking cognizance of what was not judicially before him. Neither do we see anything in the case to show that he acted from partial motives in giving any recognition to this sale. There has only been one circumstance mentioned which seems to lend any colour to such a supposition. Mr. Wilson states that Mr. Rogan, in the case of the Te Marunga Block, had refused to note a sale for the Government because the seven months allowed for a rehearing had not expired. Mr. Wilson says that he expressed a wish to get this ruling from the Bench, upon which Mr. Rogan expressed his desire that he would be content with what he then told him. Mr. Rogan does not remember this conversation, and thinks that no weight ought to attach to what was said at interviews taking place in the street. He also says that the only occasion on which he had noted a transfer of the kind was for the Government. The instance of Te Marunga can never prove more than that Judge Rogan expressed in the street an opinion from which he afterwards departed in his capacity of Judge. This seems too slender a foundation for a charge of partiality or prejudice.

Upon the whole, we are of opinion that the only satisfactory way of treating this business is simply to regard it in its legal aspect, and inquire how far the rights of the various parties have been affected by what has been done; and we beg to recommend the case to the consideration of the Government from that point of view.

We must notice, in concluding this part of the subject, that had Mr. Wilson attended that sitting of the Court, the whole difficulty might have been avoided. We must also add that we see no warrant for the use of the term "surreptitious" by Mr. Wilson, as applied to any part of Judge Rogan's conduct.

The next part of our subject is that relating to the block of land known as Mangorara No. 2, near the township at Tolago Bay. This matter will not detain us long, although in its legal aspects the business seems sufficiently complicated. In so far as there is any complaint against Mr. Rogan, it seems to be implied in the concluding part of Mr. Wilson's letter to Mr. Clarke, of the 2nd September, 1876, in which he desires that Judge Rogan "should be urged to perform his functions *re* this very important public matter." The "functions" which Mr. Wilson wished Judge Rogan to perform are explained in a letter from him to Mr. Locke, of the 5th September, 1876, in which he asks the latter, as District Officer, "to obtain a hearing in the Native Land Court shortly, and an award for this block," in order that Mr. Wilson might be able to complete the title for the same. This block had been the subject of negotiations for sale to Captain Read, and in October, 1874, Mr. Wilson purchased Captain Read's interest, and carried on the negotiations with the Natives. But these negotiations were interfered with by Mr. Michael Mullooly, who entered into negotiations on his own account with the Native

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

were about to attend a Parliamentary Committee, that he would delay action in certain cases until their return, so that they might "plead to" the cases, nevertheless gave judgment in the said cases, and thereby broke his promise. The only evidence called by Mr. Wilson in support of this statement is that of Henare Potae, who, so far as he is concerned, completely refutes it. He shows that Judge Rogan was so mindful of his promise that before giving judgment he sent a steamer to fetch Henare Potae from Tokomairo, and that Henare himself always considered the case concluded, and that nothing remained to be done but for judgment to be given, and, if necessary, a rehearing applied for. This charge has entirely broken down.

The next statement to be noticed is that the names of Native owners are sometimes incorrectly recorded by the Court. The case of Motu is instanced, and the list put in showing numerous errors in the names. The attention of the Government was called to these errors by Mr. Wilson in a letter dated 30th September, 1875. Although this is hardly the kind of matter which we thought would be brought under our notice, we think it right to say that these errors have been made, and we think it most desirable that every care should be taken to avoid such mistakes in the records of the Court.

Mr. Wilson says that notice of the Court sittings is sometimes insufficiently given. Some alleged instances of this have already been disposed of. Mr. Wilson further adduces the case of a Court held on the 3rd October, 1876, although advertised for the 10th. The explanation of this is that it was a mistake of the printer, and that no one was prejudiced by it. The Natives interested attended the Court, and no business was done.

Mr. Wilson complains that applications of other parties for the hearing of lands have been telegraphed to Auckland from the Native Land Court at Gisborne, and have so obtained precedence of his, which have been sent direct to the officer in Auckland. The advantage of priority, if any, consists in the circumstance that it enables the applicant to appear as claimant instead of objector. Judge Rogan denies that this is any advantage at all. Mr. Wilson could get his applications telegraphed through as well as other persons if he would lodge them with the Clerk of the Court at Gisborne, instead of sending them direct to Auckland. At all events, Judge Rogan seems exonerated from blame (if any blame can attach anywhere in the matter) by the fact that the practice of telegraphing applications is sanctioned by the Chief Judge in Auckland.

With respect to Mr. Wilson's complaint of undue delay in getting his application forwarded to Auckland, it seems that in some cases they have been returned for correction. Where this is not the case, the cause of the delay has not appeared. It rests with the officer in Auckland, and nothing whatever has been shown to make the Land Court or its officers here in any way responsible for such delay.

By the withdrawal of Mr. Rogan's letter in the *Poverty Bay Herald*, the great bulk of the counter-charges against Mr. Wilson of neglect, and of making indiscriminate payments of public money, vanishes away, since no evidence is brought to substantiate them. One or two attempts have, however, been made to show that Mr. Wilson has made payments which he ought not to have made. Mr. Rogan has mentioned two or three cases in which he thinks Mr. Wilson has paid moneys to those who were not the owners. He gives as instances Parariki and Mangarara No. 2. The greater portion of Parariki has been awarded to Natives with whom Mr. Wilson had not dealt. As for Mangarara, until the legal questions relating to it are settled, it is difficult to say how far Mr. Wilson's payments were judicious. They may or may not be justified by the event. The same may be said of the payments to Hepeta Maitai for the blocks referred to in Mr. Wilson's minute on the payment vouchers of July last.

Mr. Locke, also, has made some remarks on Mr. Wilson's mode of conducting land purchases. The instances mentioned by Mr. Locke were merely examples selected by him at random to illustrate a general opinion which he had expressed. Mr. Locke's opinion on such matters is, doubtless, of great value, and carries much weight; but we cannot pronounce Mr. Wilson guilty of neglect without specific evidence. Our conclusion on this subject is that Mr. Wilson has in some cases paid money on lands which the Court afterwards awarded to other owners than those whom he had dealt with; and that in several instances he has made payments upon lands to which the title afterwards proved to be involved in much dispute and beset by great difficulties. We think that these facts of themselves raise a certain presumption of a want of sound discretion on the part of Mr. Wilson in carrying on his negotiations. Of course, such a presumption may be rebutted, and the event in some of the disputed cases may prove Mr. Wilson's judgment to have been correct; but we cannot help thinking that in some of these cases much risk has been incurred of losing the money that has been paid. But we have had no proof of neglect in these matters, and we should rather say that if Mr. Wilson has made any mistake, it is that of showing too much zeal in his land-purchase transactions, and of insisting too strongly upon some supposed prerogative right of the Crown, to which rival purchasers were expected to give way. The only kind of neglect which we should be disposed to impute to Mr. Wilson is in his absence from the Land Court when his presence might have been of use to the Government interests. We refer more particularly to the Court in July last, when Mr. Wilson's presence might have hindered the memorandum of transfer to Cooper.

We have felt it our duty to reject some evidence tendered by Mr. Wilson as being for one reason or other inadmissible. Upon our invitation, he has handed in a written statement of his reasons why such evidence ought to have been received. This paper is forwarded herewith, accompanied by notes on his remarks. We may here mention an example of the evidence which he wished to produce. In his report Mr. Wilson speaks of evidence in his possession that Cooper had acted on "an assumed and asserted partiality of the Court for Read." We think it not impossible that Cooper may have assumed and asserted all this in conversation. We are inclined to think that he is a very likely man to have done so; but we are surprised that Mr. Wilson should fail to see the injustice of aspersing the character of any one on such evidence as this. It is like an attempt to prove A a thief by calling B to prove that C had once said he was one. Cooper gave evidence before us, but he gave us no evidence of what Mr. Wilson had alleged.

Mr. Wilson speaks in his report of "official information" being available to the persons who were opposing him. In his evidence, Mr. Wilson made a disclaimer of any imputation against any officer in

the office of the Under Secretary for Native Affairs, or in the Land Court Office at Poverty Bay. But as it afterwards appeared that, for anything he knew to the contrary, some officer in one of those departments might be implicated, and as the matters casually came up in evidence, we thought it right to hear something about it. Mr. Wilson seems to have believed that Cooper or Read, or both of them, had some official correspondent in Wellington who was able to send them the contents of a telegram from the Native Minister to him (Mr. Wilson) as speedily as he could receive it himself. It seems certain that the contents of a telegram sent by Mr. Wilson to the Native Minister on the 12th April, 1876, was known to Mr. Cooper either on the same or the following day. But we do not think it necessary to imagine a mysterious correspondent in Wellington so long as it seems possible that Mr. Wilson's clerk may have revealed the secret to Mr. Cooper during a convivial interview at a public-house. A greater difficulty arises out of Mr. Wilson's statement that the reply to his telegram, which he received on the evening of the 13th, was known to Cooper before Mr. Wilson had informed any one of its contents. In this telegram, Mr. Wilson was requested to write instead of going to Wellington, and it seems that Cooper had remarked that Mr. Wilson wished to go to Wellington, but the Government did not want him, or he would not get leave, or something to that effect. The former part of the information may, as we have seen, have come from a nearer source than Wellington, and it seems not impossible that the latter part may have been a chance remark of Cooper's which happened to hit the mark. At all events, we are informed by a telegram which Mr. Lemon was good enough to send us, that neither Cooper nor Read received any telegram on the days mentioned.

We have now given our opinion on all the matters which have come before us, and it is time that we should bring this long report to an end with a few general remarks.

With the exception of the unfortunate letter written by Mr. Rogan to the *Poverty Bay Herald*, which we consider indefensible, we have met with no proof of his ever having done anything unbecoming his position as a Judge. We consider that all Mr. Wilson's accusations affecting his good faith and integrity have broken down, and that no ground has been shown for any charge against him, unless, perhaps, some little irregularity in matter of form. But to say this is to throw upon Mr. Wilson a very heavy responsibility for the language of his report of the 6th June. The general tenor of that report undoubtedly suggests that Mr. Wilson's land-purchase operations have been thwarted by a combination or "ring," in which the Judge of the Land Court and the District Officer were in league with private speculators. It is fair to say Mr. Wilson disavows this interpretation of his language, and even seems to think that he has made no charges against any one. If any one can read this report without finding in it very serious charges against the Judge and the District Officer, so much the better for Mr. Wilson's view of the matter; but since we think that most persons will find the report full of such charges, our opinion that they are unfounded seems called for as a matter of justice to both the gentlemen concerned.

We think it probable that an unfriendly feeling has for some time existed between Mr. Wilson and Judge Rogan. The former declared at an early period that he would not attend Mr. Rogan's Court again; and he seems for a long time to have watched the proceedings of the Court, so far as possible, without attending it, and to have noted them in no friendly spirit. And the evidence which we have heard, together with the documents put before us, impresses us with the conviction that Mr. Wilson has given too much indulgence to a feeling of jealousy and distrust of the persons, official and otherwise, with whom he has had to do, and that this feeling has led him to magnify molehills into mountains, to convert suspicions into certainties, and to jump to conclusions where it would have been much better to ask for information. On no other supposition can we understand his keeping aloof from Mr. Baker when he wanted surveyors; his abstaining from attendance on the Court when his presence and advice might have enabled his Native clients to put their case properly before the Judge; and his perpetual disposition to see machinations and plots in everything that was done. A little more liberality of sentiment and cordial intercourse with others would probably have cleared up many matters which appeared dark to Mr. Wilson, and might have saved him from making such grievous imputations as form the principal matter of his report. We regret to be obliged to express this opinion, because the evidence which has led us to it has also convinced us that Mr. Wilson is an officer of great ability, energy, and perseverance, and quite capable, by the proper use of these qualities, to render valuable service to the public.

It now only remains for us, whilst acknowledging the confidence which the Government has shown in us by placing this commission in our hands, to express the hope that we have been enabled to arrive at fair and just conclusions, and that our investigation has been successful in throwing the necessary light upon the matters referred to us.

We have, &c.,
CHARLES BROWN.
JOSEPH GILES.

The Under Secretary, Native Department, Wellington.

NOTES OF PROCEEDINGS AND OF EVIDENCE.

SATURDAY, 28TH OCTOBER, 1876.

THE Commission was read and the proceedings commenced at the Courthouse, Gisborne, at 11 o'clock a.m.

Mr. J. A. Wilson appeared in person.

Mr. Rogan asked leave to employ professional assistance.

It was decided that either party might employ such assistance. (Mr. W. W. Wilson then appeared for Mr. Rogan).

In reply to the notice received from the Commissioners as to furnishing written statements of charges, Mr. Wilson put in a letter, and subsequently a memorandum, which were read.

It was then arranged that further written statements, if any, should be put in on each side on Monday next, the 30th instant, and served on the opposite party; and that each party should at the same time furnish the Commissioners with the names of such witnesses as they are likely to require.

The Commission was then adjourned to Wednesday, the 1st November, at 11 a.m.

MONDAY, 30TH OCTOBER, 1876.

Mr. Wilson called upon the Commissioners and put in a further memorandum,* by way of supplement to his report of 6th June, and his minutes upon the payment vouchers. Mr. Wilson also asked leave to withdraw his letter of the 27th instant, which he had put in at the first sitting of the Commission, saying that it was written under a misunderstanding of the notice sent him by the Commissioners, as to making specific charges in writing.

Mr. Wilson also furnished a list of the witnesses he might probably require.

Appendix,
No. 3.

WEDNESDAY, 1ST NOVEMBER, 1876.

The Commission reopened at 11 a.m.

Mr. Wilson's letter of the 27th was withdrawn as requested.

Mr. W. W. Wilson, on behalf of Mr. Rogan, asked that the Native Assessor of the Land Court (Hori Peeti) might be present at the inquiry. Leave granted.

After some discussion, it was arranged that Mr. J. A. Wilson should be furnished by to-morrow morning with copies of the following documents:—

1. Letter of Mr. Rogan to Under Secretary, in answer to Mr. Wilson's report, 6th September, 1876.
2. Memorandum headed "*Re* Wilson's complaint," undated, and on file 4461, beginning with the words "In April last."
3. Memorandum in answer to Mr. Wilson's note on payment of vouchers, beginning "This is the second time, &c."
4. Mr. Rogan's letter to Mr. Locke, of 20th September, 1876; also a statement to be furnished with regard to payment of money by Mr. Wilson upon a block called "Mangatu."

Evidence was then taken as follows:—

JOHN ALEXANDER WILSON SWORN.

I hold the office of Land Purchase Officer for the East Coast, Bay of Plenty District. I have held the office since April, 1875. I was engaged in a similar employment previously to that as a Commissioner. Altogether I have been engaged in buying land for the Government about three years and a half. My duties are to purchase Native land for the Government under the Immigration and Public Works Act and the Native Land Act. I also regulate my transactions by what I understand to be the constitutional rights of the Crown outside those Acts when not repugnant to them. I have been connected with Native land transactions since the year 1866. I then, as Crown Agent for the Government, settled 440,000 acres in the Bay of Plenty; there were many thousand claims in that block, and many hundred sections. In that business I acted with the Judge of the Compensation Court. After that I was placed upon the Civil List of the colony in the Native Department. In 1869 I went into private business in Native lands in the Thames, Ohinemuri, and Bay of Plenty Districts. I continued in that business until I accepted my present office, and during that time I was Native agent, on behalf of Craig, in the largest Native case that ever came before the Supreme Court. The first block of land mentioned to me by Sir D. McLean since I have held my present office was a block called Motu, a very extensive block, in the Poverty Bay District, extending towards Opotiki.

In June, 1873, I first came into this district from the Bay of Plenty. At that time there was no Native Land Court in the Poverty Bay District, but Messrs. Rogan and Munro were sitting here as Land Commissioners. The Natives were then in an excited state about their lands. The windows of the Commissioners' Court at Gisborne had been broken, and the Constabulary had been reinforced. In consequence of the excited state of the Native mind some few months elapsed before my operations

* See Appendix to Notes of Evidence and Proceedings, Nos. 1, 2, and 3.

could take effect. I succeeded, by reasoning with them, and by not forcing my transactions upon them, in obtaining the land which Sir D. McLean sent me about, *i.e.*, Motu, afterwards divided into Motu and Waikohu Matawai. Had I at that time urged upon the Natives the alienation of their land, I should only have increased their opposition.

I wish now to state how surveys were at that time conducted. Mr. Heale, the Inspector of Surveys, told me that he thought I ought to employ the surveyors and to pay them. At that time and previously I had been accustomed to transact a great part of my business with the Survey Department verbally. Mr. Heale stipulated that no surveyors should be employed except such as he considered efficient. In that way business went on. I engaged surveyors and told them where to work, the men being approved by Mr. Heale, and their remuneration being named either by Mr. Heale or Mr. Turner, the District Engineer at Tauranga. This system was changed during the year 1874 by the payment of the surveyors being made through Mr. Heale's office. I hand in documents showing how these things were managed. [Documents handed in.] In April, 1875, a further change was made, Mr. Horace Baker being appointed Deputy Inspector of Surveys. I was told this by Sir Donald McLean. (These documents consist of letters and reports of surveyors and correspondence as to the rate of payment, showing that the surveyors took their instructions from Mr. Wilson, and looked to him for their pay, whilst he applied to Inspector of Surveys to authorize the particular surveyors, and also consulted him and Captain Turner, as to the rate of pay.) [The Commission adjourned from 1 to 2 p.m.]

After this all requisitions for surveys were made to Mr. Baker, with which he complied or otherwise as he saw fit as an officer of the Court, and payments were made by him. I come now to the Waingaromia Blocks. The first payment I made upon the Block Tauwhareparae was on 7th October, 1874. Tauwhareparae includes a portion of Waingaromia No. 2, also part of Tuakau. The Natives at Anaura, extending as far as Tangoiro, sent me a message stating that they wished to lease some land to the Government to the west of Mr. Arthur's run. The messenger who came to me was Petatoto. I paid money (£50) upon the land, and it was arranged that I should meet the Natives in their own district about it. The Natives met me on the 16th October, at Tolago. All the tribe were present except Wi Tawawhaikai. Hoani te Parehuia was there. The land to be leased was a part of Tauwhareparae, including part of Tuakau. It was only a few of the old men who knew anything about that part of the country; so much was this the case, that Mr. Locke advised me to buy the whole interior in a lump. Their knowledge is much improved now. I called the block Tokomaru West. As the negotiation went on, the name was changed to Pua o te Roku, which is the most general name in the Native traditions of that district, and can be made to spread over 100,000 acres. This name was afterwards abandoned for the greater part of the land. The £50 I paid was for land now called Tauwhareparae. On 27th October Mr. Locke introduced Henare Potae to me, for the purpose of transacting the business. On that day I paid Henare Potae two sums of £50 (shown by the vouchers now put in) being part purchase money £50 for Pua o te Roku, Tokomaru West, and £50 for Parariki. The payments are witnessed by Mr. Locke. I put in a map furnished me by the Natives, to show how ignorant they were at that time of the land. On or about the 16th October I also met at Tolago Bay some of the principal Aitangahaiti Natives, and we negotiated for Arakihi and Parariki, also Paraheka (which is a part of the block shown as Parariki on the map.) Those negotiations were left in abeyance in regard of the price per acre. I left the district on or about 28th October, and went to the Bay of Plenty. I returned about 16th January, 1875. On 27th January I had a large meeting, by appointment, with the Aetangahaiti chiefs at Tolago, in the open air. At that meeting I arranged to buy nearly all their land at 2s. an acre, Government paying all expenses. About the same time, I agreed with the Ngatira to lease the Tauwhareparae for forty years at £10 per 1,000 acres per annum. I also agreed to purchase the Huiarua Block at 1s. an acre. All except the Tangoiro Natives consented to that. These arrangements were the result of many meetings and much canvassing, extending over several days. I may mention here that I paid the £50 to Henare Potae for his *mana* over the land at Pua o te Roku. He was an owner also, I believe, in another right. I recognized his *mana*.

Appendix,
Nos. 4 and 5.

On 30th January I paid two of the Ngatira and Henare Potae a further sum of £500 as an advance of rent on Tauwhareparae. A further sum was paid for Huiarua, £500, making an advance of £1,000 for 110,000 acres. These transactions were reported to Sir D. McLean by telegram. As soon as it was known that I was obtaining the land at that rate, Europeans endeavoured to obstruct my operations.

On 20th February I telegraphed to the Native Minister on the subject. At this time I could not get any surveyor to survey the lands. I got one surveyor for a part of these lands. On 25th February, I applied to Mr. Heale here for two parties of surveyors. On 1st April, not having got the surveyors I asked for, I telegraphed to the Native Minister at Maketu and asked for three parties of surveyors, stating that some influence seemed to hinder my getting surveyors; and asking that the surveyors who were interfering with my purchases, should be called in. (See "Native Lands Act, 1873," section 74.) I did not know at that time that they had any authority to do so. I ascertained afterwards that these surveys had been authorized by Mr. Locke, the District Officer.

The usage is for the District Officer or the Judge to order the survey. Mr. Locke was here before Mr. Baker came as Deputy Inspector. I did not apply to him. He has never appointed my surveyors, nor does he do so now. Mr. Baker was here as head of the trigonometrical survey some two months before he was Deputy Inspector. On the 19th April Mr. Heale came to my office and expressed his regret that surveyors had been prevented from doing my work by instructions from Mr. Baker that they were to get his authority before going out. Mr. Heale regretted that I had not been informed of this. On 6th April Mr. Heale telegraphed, in answer to mine of the 1st, that the surveyors could be supplied. On 30th April I got a telegram from Colonel Macdonnell, for Colonel St. John, directing me to discontinue paying the surveyors, as the Deputy Inspector would pay them in future.

In reply to my telegram of the 1st April to the Native Minister, I got an answer on the 10th May (having had a verbal one from him previously) to the effect that the Deputy Inspector of Surveys

had instructions to direct the surveyors according to the Native Lands Act. Mr. Locke informed me, in the presence of Sir D. McLean, that he had authorized the surveyors.

In October, 1874, Robert Cooper came to me; it was prior to the 27th. He requested me not to interfere with two blocks of land, for which he said he was in treaty—Mangataikapua and Waitangi. I informed him that I was then negotiating for the country beyond that towards Tolago. About the middle of February, 1875, Mr. Locke arrived from Napier. At that time no authority had been given to survey Waingaromia for Cooper. I informed Mr. Locke of my negotiations immediately on his return from Napier, and showed him, as well as I could, boundaries on the map in Mr. Baker's office. Some time between Mr. Locke's arrival in February, and Sir D. McLean's arrival in April, authority was given by Mr. Locke to Pita te Huhu, the Native who was professing to sell to Cooper, to have the land surveyed. This Native came to me in February, about a fortnight after I had completed my agreement for the land, and told me that he claimed the land now known as Waingaromia 1 and 2, and that he would be no party to the transaction between myself and the other Natives; that he had heard I was going to survey the land, but he should survey it too, and sell it to another party. I knew before that, that this Native and other *hapus* besides his had claimed; but, so far as I could make out, his boundary was the Nakahaka Ngarara River. The matter had been discussed at a meeting as far back as 1873. I think Mr. Locke's action in authorizing these surveys of land, already under negotiation to the Government, was calculated to cause difficulty and inconvenience; I think it was also contrary to his duties under the Act. I do not impute to Mr. Locke, and have never intended to impute to him, any wrong motive or intentional partisanship in the matter; but I think he overstepped his duty. The Native Minister gave directions in April, 1875, that no further surveys should be authorized to clash with Government ones.

In a letter to the *Poverty Bay Standard* of 24th July, 1875, Mr. Cooper claims that he treated for the land two years ago, and that authority was given by the District Officer to Mr. Campion to proceed with the survey ten months ago. Mr. Campion told me in Wellington that he had no such authority. In May, 1875, Cooper asked me to buy him out (of Waingaromia 1 and 2), but I refused. About this time Mr. Read and Mr. Cooper came to an arrangement. Mr. Read told me so. Mr. Read first came to me and said he had been telling Cooper he had better take £1,000 from me to withdraw, but he said Cooper wanted £6,000. I declined that proposal. On 22nd June, 1875, Mr. Read asked me to purchase land surveyed by Cooper, stating that the business was his own. He said the area was 100,000 acres, 50,000 of which was on the land I had agreed for with the Natives. I expressed my willingness to treat with him for the land not included in my previous negotiations. But the 50,000 acres turned out afterwards to be only 5,000 or 6,000.

On the 7th July, Mr. Locke and Mr. Read had an interview with me. They wished me to pay money to Cooper and Read for the land for which I was already in negotiation; they said they wanted an answer immediately, as the Judge was going to put the land through the Court. I think it was Mr. Locke said that. That would mean upon Cooper's application, as I had not been able to get my surveys done. The Natives who sold to me would in that case have to appear as counter-claimants. I refused, saying I would buy any land outside my negotiated land, but that inside my boundary I would not recognize their interference. Mr. Locke urged me to purchase from Read and Cooper much more strongly than did Read. [Here that part of Mr. Locke's reply to Mr. Wilson's report, referring to this conversation, was read to the witness.] It is not true that any proposal was made for them to go out on repayment of their bare expenses; they wanted me to reimburse Cooper for the trouble he had taken in opposing the Government. So far as I know, the reason the matter fell through was that I refused to entertain it. After conversation, I wrote on the same day to Captain Read, asking him for particulars in writing of the lands he wished me to purchase. He gave me no answer until the 12th July, by which time the matter had assumed another aspect, owing to the proceedings of the Native Land Court.

The Commission adjourned at twenty minutes to 6 p.m.

THURSDAY, 2ND NOVEMBER, 1876.

The Commission resumed at 10 a.m.

Before going on with the evidence, Mr. Wilson was asked whether there was any written communication from Sir Donald McLean, directing the alteration of system as to surveys referred to in his evidence of yesterday, as having taken effect from April, 1875. Mr. Wilson replied that he had no written communication on the subject, but, as a matter of fact, from that time no surveys were authorized which might clash with Government surveys. There was correspondence on the subject between Wellington and Auckland.

[Continuation of Mr. Wilson's evidence.]

After I was informed by Sir D. McLean that Mr. Baker was to have charge of surveys, I was laid up with illness and incapacitated from business; I was also delayed by the necessity of moving my office across the river and by the preparing of annual returns for Parliament. I completed those before returning to local work. About the 19th May, I made requisitions on Mr. Baker for a number of surveys. Mr. Baker knew before this that I required surveyors, and he had been in communication with Mr. Leonard Simpson, who was engaged by me. During the time I had to complain of not getting surveyors, which caused me to send to the Native Minister the telegram of 1st April referring to some influence which thwarted me, I made no application to Mr. Baker on the subject. I did not consider it my business to do so; it was his business to inform me that he had given instructions to the surveyors which hindered my operations, and Mr. Heale expressed his regret to me that Mr. Baker had not done so. On 25th February, when I asked Mr. Heale for two parties of surveyors, he said that Mr. Baker represented him as Deputy Inspector of Surveys, and spoke of the difficulty which might arise from his clashing with Simpson, who was acting for me in the Land Purchase Department. I said, "I suppose I am to go on with Simpson as before," to which Mr.

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

Appendix,
Nos. 10, 11,
12, and 13.

going to sit; but I went to Wellington about the sitting of the Court and other matters that had occurred prior to the sitting. I can only put anything before the Court through the District Officer. Mr. Locke was at the Court, also one Native from Tolago, Henare Ruru, who was one of those who had dealt with me. Mrs. Porter, also, wife of Captain Porter, was present. She claims to be interested in the land. I put in a letter from Tamati te Rangi, or Kereua, stating why he had not attended the Court. He had received Pita te Huhu's letter; it states that they would not attend the Court, as that land had been parted with to the Government. Attached to letter is a notice from Pita te Huhu. I put in another letter, of 10th July, from Rutene Kuhukuhu, owner of another part of the land, to a similar effect. Also another from Henare Ruru, the principal man of the owners of Arakihi, objecting to the survey of Pita te Huhu, and to the sitting of the Court.

Appendix,
No. 14.

Appendix No.
15.

Evidence was taken, and the Court adjourned on the application of Henare Ruru and, I believe, of Mrs. Porter. The expression in my report about the application being made at the request of Mr. Locke "to cover the retreat of the Court," means that the Court could not go on with the cases for which it had been announced, but was obliged to retire from that position. I was in Wellington at the time, and rendered myself liable to censure for going there. Whilst there I made strong representations to Sir D. McLean on the matters I had to complain about. I arrived there on the 20th. Mr. Clarke was present at the interview. I urged, and Mr. Clarke supported me, that the lands should be proclaimed under the Immigration and Public Works Act. Sir D. McLean asked me to send in a letter accordingly. I did so on 21st July, 1875. The purport of this letter was referred to Mr. Locke, by telegram, by direction of the Native Minister, on the 22nd. On the 23rd Mr. Locke telegraphed to the Under Secretary. [Telegram read and put in.] Mr. Locke opposed the proclamation, and said the cases would be adjourned. I also put in a reply to that telegram from Colonel St. John. This correspondence with Mr. Locke is what I refer to in my report, where I say "the real cause of the adjournment was of another kind."

In speaking in my report of Mr. Locke's action in defeating my attempt to get the lands proclaimed, I have said that he did so by representations based upon an imaginary Native difficulty. I think this difficulty is proved to be imaginary by the fact that about six months afterwards (24th February, 1876) the lands on the Ngatiporou side of the district were gazetted, and no evil resulted from it. This included Tauwhareparae, Tuakau, part of Waingaromia, and other blocks. The lands which I had wished to gazette were gazetted on the 4th May, 1876. I had applied to have this done as far back as the 13th May, 1875. My last application to have the lands gazetted was on the 28th December, 1875.

The Natives also made an application on the 25th February, the day after the land had actually been gazetted.

Appendix,
No. 16.

[The statements in the report as to the notice of hearing for the 10th March, 1876, at Waiapu, and the adjournment of the Court by Captain Porter, authorized by the Judge, are admitted.]

Appendix,
No. 17.

I put in the printed notice of further hearing of Waingaromia No. 2, on the 16th March, at Makarako. I think that Court was fixed for too short a date. I made my objections to Mr. Locke in a letter on the 14th. In consequence of rumours as to the speedy sitting of the Court, I had telegraphed a week before to the Native Minister (5th March). In reply I was referred to Mr. Locke. I put in my letter to him of the 14th March. The Court sat on the 16th, and gave judgment on Waingaromia No. 3. 1 and 2 were adjourned. No. 3 was proclaimed with other blocks six weeks after the judgment of the Court; a rehearing was asked for by both parties in concert. After my letter to Mr. Locke I sent a telegram to the Government reporting Mr. Locke's views (15th March).

I wish to diverge for a moment to refer to that passage of my report where I mention "extraordinary avenues of official information" as open to the European opposition to my purchases. I wish to state that I do not refer in any way to any person connected with the Under Secretary's Office, nor to any officer of the Native Lands Court.

[Mr. Wilson here asked that the inquiry might be adjourned to the next day, as he did not feel equal to going into a fresh subject.]

The Commission adjourned at fifteen minutes to 5 p.m.

FRIDAY, 3rd NOVEMBER, 1876.

The Commission resumed at 10 a.m.

[Mr. Wilson's evidence resumed.]

Appendix,
No. 18.

In November, 1875, the agreement to lease Tauwhareparae was converted into an agreement to purchase, but a small minority who had agreed to the lease would not consent to the new arrangement. The rent advanced was carried to the purchase account, and further advances, rather more than equal to the former ones, were made. £100 was paid to Tamati te Rangi on that occasion. All the money was paid in Government cheques. In September, 1875, an offer was made to Mr. Clarke by Mr. Cooper to make over his interest in Waingaromia No. 2, at 2s. 6d. an acre, which would have amounted to more than £3,500, besides his expenses. That offer was not accepted by Government. Cooper said I was dealing with the wrong parties. On December 15th I informed the Government that a good deal of money would be wanted for lands which were expected to pass through the Court. I put in my letter of the 25th October, 1875, to the Under Secretary (referred to in the report), asking that the Native Land Court might be moved to take cases in the middle of the ensuing February, as my plans would then be ripe for passing twenty-three blocks through the Court containing 270,000 acres. All the applications for those lands had been duly put in before I wrote that letter, some of them repeatedly. It was customary for me to apply to Government in such matters, and to have Courts specially for cases in which Government was interested when the purchases were of any magnitude.

I now come to the sittings of the Court at Tolago in April, 1876. I think there was an adjournment on the 3rd to carry out some work in the Courthouse. I am not sure what day the Court usually began business. When the Court sat the Natives were most orderly. The Court was full of

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

Government. All the owners did not sign the transfers. I believe Judge Rogan only was present on the occasion, and not the Assessor, consequently it was not the action of the Court (section 59; also "Native Lands Act Amendment Act, 1874," section 5). The *New Zealand Gazette* containing the Proclamation is the 4th May, the Proclamations being dated 18th April, 1876. After this transaction with Cooper, the same Natives were quite ready to complete the transaction with me.

Hepeta Maitai met me on the 21st July, at Gisborne. I knew that he had signed the deed to Cooper, but I did not know then that the memorandum had been indorsed. Hepeta told me the majority of them had taken money from Cooper and signed to him. I told him I regarded their action as having no effect, and that I should call upon him to complete his agreement. When he found I was willing to complete the transaction, he became anxious to get some money, said he was going to Napier, and had not enough. My plans of the land on the parchment deeds were at Tolago. Had I had them, I should have got him to sign and paid him the balance due to him, but as it was, and he being a leading man, I paid him two small sums (£4 and £5) upon two of the blocks. He signed the memoranda in Maori (now produced), in the presence of Dr. Nesbitt, R.M. Hepeta Maitai made no offer to refund the money I had advanced. After that I got the deeds, and another Native came down (Arapeta Rangiuia), and to him I paid the whole amount due to him on one block, on the 14th August. On 15th August I received a telegram from Mr. Gill, recommending me to make no further payments for these blocks. Since that time I have made none. I had informed the Government on the 20th of what had been done. I put in Mr. Gill's telegram, also Mr. Clarke's, of 27th July. I wrote to Mr. Locke twice, on the 10th and 14th March, the second being written after I had conferred with him. [Letters read and put in.] I also put in a letter to Captain Porter from myself, on 16th August, also his reply of 17th. I shall bring evidence to show that this land was purchased by Messrs. Read and Cooper. I put in also my letter of 21st July to Dr. Nesbitt, Trust Commissioner, I being then in ignorance of what had been done by the Court. I also put in declarations showing that the sale to Government were matters of public notoriety, by Robson and Teasdale, 16th August, 1876.

The next subject is Mangarara No. 2. * [Mr. Wilson read his letter 48-75, 29th April, 1875, as evidence.] That letter expressed the state of the matter, so far as I knew at the time.

Mr. Wilson being fatigued, the inquiry was adjourned at this stage, being fifteen minutes to 5 p.m.

SATURDAY, 4TH NOVEMBER, 1876.

The Commission resumed at 10 a.m.

[Mr. Wilson's evidence continued.]

With regard to my statement that Mangarara No. 2 is a part of a larger block over which an interlocutory order was given, &c., I do not now believe that to be correct. I do not think Mangarara No. 2 comes within the scope of the interlocutory order. I will give my reasons presently. The correspondence in the hands of the Commissioners shows my transactions with Captain Read. The Paterangi Native mentioned in my letter as having denied signing to Read has since told me he would not sign to Mullooly either. This would make only three vendors to Mullooly instead of four, as stated in my next paragraph. That man has since sold to the Government, so that Mullooly would have three-eighths, and the Government five-eighths.

Upon an application to the Court here by Raniera Tuoroa, to have the case heard again in the early part of 1875, no information could be obtained from the Court. The party interested was not confined to the eight Natives mentioned in the interlocutory order. They represented the owners under the old Act. The Natives told me they wrote to Judge Munro, who heard the case. I saw the answer they got. I do not know where that answer is now. It was from Judge Munro. It informs them that an interlocutory order had been given, requiring an after survey. I refer the Commissioners to the interlocutory order (certified copy) in their possession.

The pencil line marked by Judge Munro has never been cut on the land until within the last six or eight weeks. On 19th September I was informed by Mr. Baker that the cutting of the line had been ordered by Judge Rogan. On the same day I informed the Under Secretary by telegram. [Telegram put in.] I think Mangarara No. 2 was surveyed for Captain Read, I believe by Mr. Drummond. I bought the survey in April, 1875, with Mr. Baker's approval. The plan had to be corrected before Mr. Baker would pass it.

The Native petition to the Government respecting this block, 27th September, was sent in consequence of Judge Rogan having informed the Natives that the interlocutory order would be acted on. I afterwards asked for information as to the proceedings on that occasion, but Mr. Woon could not let me see the records without the Judge's consent, and he was absent.

[References to cases on law of question relating to interlocutory order—Parliamentary Papers, H. 18., 1874, pp. 5, 8, 9, *re* Himatangi Block. The Commission decided that legal argument as to a decision of the Land Court would be outside its functions.]

I now give my reasons for thinking Mangarara No. 2 is not included in Uawa No. 1 because the Chief Clerk has said (see telegram) that it would not be included in the certificate. Judge Munro's line formed one of the limits of Uawa No. 1 Block—his order was for 700 acres—but the block between his line and the sea and river contains 1,114 acres, comprising 700 acres and 250 township and 164 Mangarara No. 2. Uawa, 250 acres, passed the Court about March, 1875, separately. The impression was that the 164 acres formed part of the 700 acres, from the whole area being coloured similarly on the map.

I go now to my later charges of irregularity and of inaccuracy in the list of names inserted in titles, as in the case of Motu. I read my letter 173, 30th September, 1875, to Mr. Clarke. [Letter read and put in with list attached.] I produce advertisement, from *Poverty Bay Standard*, of Court to be held on the 10th October, 1876, for Panapa Waihopi, Waingaromia No. 2, &c. That Court was held

* Copy not put in; original under reference to Chief Judge, Auckland.

Appendix,
Nos. 26 and
27.

Appendix,
Nos. 28 and
29.

Appendix,
Nos. 30, 31, 32,
33, and 34.

Appendix,
Nos. 35 & 36.

Appendix,
No. 37.

Appendix,
Nos. 38, 39,
and 40.

on the 3rd without any notice except a short notice in the *Poverty Bay Herald* the same morning, and in English only.

The Commission adjourned at fifteen minutes to 1 p.m.

MONDAY, 6TH NOVEMBER, 1876.

[Mr. Wilson's evidence resumed.]

The case of Motu is only one instance of errors in the names of owners. I could multiply instances. The same statement applies to the short notices of the sittings of the Court. The statement made in my last memorandum, as to the manner in which lands have been gazetted [read] is correct. The two blocks there mentioned, Tauwhareparae and Huiarua, were first applied for 18th October, 1875. The applications were sent by the Natives and were franked in my office. The entries are in my letter-book. [Entries shown.] Those applications were returned to the Natives by the Chief Judge. The reason was that the boundaries were not described in the application, but the plan was cited: that used to be very commonly done. Fresh applications were then sent with the boundaries fully given. No delay on my part took place in getting it done. I had to send the application to be signed by the Natives: all this took a good deal of time. They were posted to Potae for signature on 17th May, and sent from my office to Auckland on 1st June. Those applications have never been gazetted at all. The applications that were gazetted in the *Kahiti* of 18th May were sent by telegram. Mr. Woon came to my office to get the boundaries, and told me he was going to telegraph the applications. I simply referred him to the map. I think it improper for the Court to send applications by telegram. It gives applicants an undue advantage over those who send their applications by post direct to the chief office. In this case 113,000 acres of land were concerned, and private purchasers were opposing the Government. I hold agreements for the purchase of them, and have paid over £2,000 in advances. When Mr. Woon came to ask me for the boundaries, and told me he was going to telegraph the application, I referred him to the map. I thought he only meant to supply the defect of the first applications. I did not ask for explanations.

In January, 1873, I bought Waimata West, over 10,000 acres; it was surveyed by April. An application was sent about that time by the Natives, signed by them in my presence. It was returned to have the signatures attached in a different place. It was again forwarded 22nd September, 1875. That was returned because the names were all in one handwriting. It was sent again on the 18th October. No attention was paid to that; no fault could be found with the form in which it was sent. It was sent again on the 20th May, 1876. On 1st July its receipt was acknowledged in the *Kahiti*. It is not yet gazetted. I have restrained the principal chief concerned from going to Wellington to complain. I have drawn Mr. Locke's attention to this. I once asked Judge Rogan if I should send my applications through his office, and he would not undertake to say that I should. That was in last March.

I produce a letter, undated, from Hemi te Awahaku, complaining that he could not get the Court to appoint him guardian of his child. I took him to Mr. Woon some time before March last to ask what course should be pursued. Mr. Woon said it would be unnecessary to refer to Auckland, the Court here would require a short notice, which was given, but the Native has never been able to get himself made the guardian of the child. Appendix,
No. 41.

The statements in my last memorandum about a promise made to Henare Potae and Ropata Wahawaha is correct. I refer to the *Poverty Bay Standard*, 2nd September, 1876. The meeting of the Court there reported was on the 30th August, 1876. That report shows how the promise to these Natives was broken. I also consider it broken by the advertisement in the *Poverty Bay Herald*, 22nd September. The words "for which no title can be proved," applied to the blocks Tauwhareparae and Huiarua, as well as others, are a proof that causes not yet heard were prejudged. The great majority of cases mentioned in that advertisement were not yet adjudicated upon. I do not think more than eleven had been decided out of all the number. [The advertisement is admitted as Judge Rogan's.] The advertisement comprises probably a quarter of a million acres that have not passed the Court, over 100,000 acres of which have never been surveyed, and only a limited portion gazetted for hearing. They are owned by many tribes and many *hapus*, and affected by many variations of Native tenure. Some of the Natives were in the Bay of Plenty. This letter of Judge Rogan's, which he inserted in the newspaper, contains attacks upon me. I complain that he sent it to the newspaper instead of to the Native Minister, not that I think the latter would have been right. Appendix,
No. 42.

This concluded Mr. Wilson's evidence in chief, and Mr. W. W. Wilson not being then prepared to begin a cross-examination, the inquiry was adjourned until 10 a.m. on Wednesday, the 8th. Appendix,
No. 75.

WEDNESDAY, 8TH NOVEMBER, 1876.

The Commission resumed at 10 a.m.

[Mr. W. W. Wilson, on behalf of Mr. Rogan, cross-examined Mr. Wilson.]

The £50 mentioned by me as paid on 7th October, 1874, was paid to Petatoto. Tauwhareparae includes 7,000 or 8,000 acres of Waingaromia No. 2. I have paid £1,622 on 74,000 acres, Tauwhareparae. I have advanced £30 for Parahika in two payments. The land belonged to one man—Perenaha te Waharoa. The land has not gone through the Court. I ascertained the ownership by inquiry. A portion of it is included in Waingaromia No. 2. It has not been surveyed, Mr. Baker having marked it off on the map, by consent of the Natives, to save expense. It was considered 1,000 acres, but has turned out to be more. It is part of what is shown as Waingaromia No. 2, and, as such, has been before the Court. It has been gazetted for hearing at Wai-o-Matatini, on 10th March last, as a separate block. The

hearing was adjourned. I had a written agreement with the Aitangahaiti about their land, in January, 1875. The lands agreed for at that time were Arakihi and Parariki, and the three blocks referred to in the payment vouchers. Those were all sales. Henare Potae had a right besides his *mana* in Pua te Roku (Tauwhareparae). In case of Huiarua, I have no reason to expect any special difficulty in getting the owners' signatures when the title is established. Huiarua forms no portion of Tauwhareparae. I have paid some small sums of money (not more than £200) since my interview with Pita te Huhu in February, 1875. I did not stop my operations on account of what he said to me. I was in treaty for Waingaromia No. 3. There are two parts, one called Waingaromia, and the other Waingaromia No. 3. I was in treaty for one of them since October, 1874—Waingaromia No. 3. Mr. Read came to me in April, 1875, and asked if I was in treaty for the other. I told him I had no claim on it, and asked him not to interfere with the other. He asked me what I thought he ought to give for it. Pita te Huhu had a claim to a portion of my part, and he did not wish to sell. His claim might have been 2,000 out of 16,500 acres. Pita and Cooper had 4,000 surveyed, and called it Waingaromia No. 3. I heard afterwards that Cooper had advanced £200 on this portion (Waingaromia No. 3). That did not prevent me from paying the £200 I had promised on account of the 16,500 (Waingaromia No. 3, Waihora No. 2). Pita claims the whole of Waingaromia No. 3. That has gone through the Court, and a rehearing was asked by the Natives who have dealt with me, on the ground that a number of their names have not been inserted on the memorial of ownership. Pita's name and some of my Natives were inserted as owners. Some of the Natives told me they had signed to Cooper. One of them—Hori Karaka—had previously signed to me, and was admitted by the Court as an owner. I do not think I paid him any money. I paid it to Natives whose names were afterwards put on the memorial of ownership. The two Natives I paid it to had not signed to Cooper. Money has been distributed amongst those who had signed to Cooper. The judgment appears to give Cooper's Natives a pre-emption in the ownership. Henare Ruru has been admitted an owner in Waingaromia No. 2, but he is opposed to Pita te Huhu's claims. The £100 paid to Tamati te Rangi was not for himself alone; he was to distribute it as he thought fit. He was appointed at a public meeting—or rather several meetings—at which the shares of the various *hapus* were determined. About £1,600 was paid for that 74,000 acres. I have given post-dated cheques formerly on behalf of Government. The cheques now referred to were not post-dated. I do not think it is true that Natives receiving post-dated cheques have had to pay 25 per cent to get them cashed. They always knew they were post-dated when they got them. I have consulted with the Land Purchase Office about it, and have discontinued the practice. I have not sent in applications for hearing through the Court here, except in some succession cases. I do not think Mr. Locke ever suggested to me to do so. I made no application for special Courts for Government business, except to the Government.

One morning, I think the same day the scene in Court took place, April, 1876—it may have been the morning before—Judge Rogan and Potae, or another chief, I am not sure who, also Karauria, were in my room. On that occasion I stopped Karauria from talking and interrupting the Judge. I did not say he was drunk, so far as I can remember. In Court the Judge did not say Henare was in an unfit state, until the altercation had gone on twenty or thirty minutes. I think Potae's remark about *pononga utu* a very improper one. I am sorry to say I have heard the same opinion very commonly expressed amongst the Natives. I have given up arguing against that idea; it is too strong for me to remove. When I advised the Natives to let the cases be heard in any way the Court wished, I intended that a rehearing should be applied for. The sister of Rutene Kuhuhu, wife of Hepeta Matai, was acknowledged as an owner. I heard the Court say that Hepeta was appearing on behalf of his wife. The Natives do not understand why she alone was admitted. My impression that the cases were prejudged, and my expression relating to it, may have received some colour from the proof of prejudging given in the letter of the Judge to the *Poverty Bay Herald*. At the time I hoped the bias might be unconscious.

With respect to the case of the payment vouchers, Dr. Nesbitt informed me that he had attested a deed to Read from Potae for one of these blocks, and that consequently he had hesitated to attest one for me. He repeated the same thing at Tolago in presence of some gentlemen, when Captain Ferris had said it was not so; it was for Puremungaahua.

I have never applied to the Court here to telegraph my applications for hearing. Of the 113,000 acres mentioned, on which I have paid £2,000, not more than 12,000 have passed the Court. £300 was paid for Waimata West to a number of Natives.

Referring to Judge Rogan's advertisement in the *Poverty Bay Herald*, of the lands mentioned therein, eleven cases had been heard, in all of which judgments had been given in favour of the Natives with whom I dealt, including the three payment voucher cases. In the other four the titles are complete to Government, except absentees and dead persons. I have paid money for lands not yet surveyed.

This completed Mr. J. A. Wilson's evidence, and the inquiry was adjourned at half-past 4 p m.

THURSDAY, 9TH NOVEMBER, 1876.

The Commission resumed at 11 a.m.

SAMUEL LOCKE, SWORN:

I am District Officer for the District of Poverty Bay, on the East Coast. My duties are defined by "The Native Lands Act, 1873." I received my appointment on the 29th November, 1873. It was then that I took charge of this district as District Officer. I had been in charge of the district several years before that as Resident Magistrate and Native Officer. I reside at Napier. Up to the time when Mr. Heale, Inspector of Surveys, came to Gisborne, in February, 1875, there was no recognized Survey Department. The business was transacted through me, and I managed the best way I could. The usual custom was for the Natives, or the purchasers or lessees

from them, to obtain authority from me to have a survey of lands which they wished to pass through the Native Land Court. They frequently communicated with the surveyor, and made their own bargain with him; but authority was obtained from me. I met Mr. Heale here in February, 1875. It was then arranged for him to take over all surveys then pending, and from that date things were to be done in accordance with the Act. [Letter put in from Mr. Heale to Judge Rogan, 24th February, 1877. This letter spoke of irregularities which had taken place in respect of surveys, and stated that Mr. Heale would do the best he could by authorizing them *ex post facto*. Letter missing.] I first became acquainted with Mr. Wilson as Land Purchase Officer in this district about January or February, 1875. Before that I only knew him as negotiating for the Government the blocks of Motu and Waikohu Matawai, in the Bay of Plenty District, which blocks partly overlapped the watershed into this district. In a letter to the Government, of 24th June, 1874, Mr. Wilson says that the Natives on the coast between the Bay of Plenty and Poverty Bay are becoming desirous to lease their lands, that this movement has manifested itself within the last few weeks, and he thinks it should be encouraged. I infer from that, that Mr. Wilson had not then begun negotiations here. Up to the beginning of 1875 I had never been officially informed that Mr. Wilson was Land Purchase Officer in this district, nor had any applications of his for surveyors ever come under my notice. I may have met Mr. Wilson in the manner stated by him in 1874 relative to his negotiations for the Waingaromia Blocks, but I did not know he held the office of Land Purchase Officer for this district until the early part of 1875. I saw Mr. Wilson on my arrival from Napier in February, 1875. That is the beginning of my official intercourse with him. He mentioned several blocks of land he was engaged in negotiating. The surveys of Waingaromia and Tuakau were authorized by me before that: I think it was towards the end of 1873. About that time I told Mr. Campion that there would probably be a good many surveys to be done in this district, and that I should like him to do them; but I told him I had then no authority to employ him. Mr. Campion did survey some other blocks, but not Waingaromia. Mr. Eaffie completed that survey. [Mr. Locke read his letter, 25th May, 1875: to be received as evidence.] The arrangements referred to in my letter just read were made before the arrival of the Native Minister in April, 1875, and not in consequence of any instructions from him. I told him of the arrangements, and he approved of them. I feel sure that when Mr. Wilson mentioned the lands for which he was negotiating in February, 1875, I must have told him that surveys had already been authorized for some of them. Whether he knew where the blocks were I do not know. I remember informing Mr. Wilson of the new arrangement in a conversation in his office. There must have been frequent conversations about it. The application for surveys (Mr. Wilson's applications) were not customarily sent through me after this. I acted on the arrangement by sending notice to Mr. Wilson of all such applications. [Mr. Locke read his memorandum of 25th August, 1876, on Mr. Wilson's report: to be received as evidence.] There is one correction I have to make in that memorandum. I was informed that Mr. Campbell was to act as District Officer at the Courts at Tolago Bay and Waiapu; but I have since been informed that Captain Porter acted as stated by Mr. Wilson. [Mr. Wilson's evidence on the conversation with Messrs. Locke and Read was read to the witness.] Up to a short time previous to that conversation, Mr. Wilson's office was in Captain Read's store. At that time Cooper as well as Wilson was negotiating for getting the matter settled in the easiest way. I did not urge the payment of any large sum of money. I mentioned my views upon it to the Native Minister, and he approved. I believe at that time Captain Read was *bonâ fide* endeavouring to get Cooper bought out. I do not think at that time he was directly interested. He thought it desirable the thing should be settled, and the land obtained by Government. I did not understand that any payment was to be made to Captain Read, except perhaps what he may have advanced to Cooper. Cooper's demand was so exorbitant that we all agreed it could not be complied with.

The fact referred to by Mr. Wilson that the lands on the Ngatiporou side were gazetted in February, 1876, without any evil arising, I attribute to the adoption of the course recommended by me—that the boundaries of rival parties should be surveyed, and the case determined by the Native Lands Court. The Court began to sit at Gisborne on the 18th June, and continued sitting up to the 31st July. Waingaromia was down for hearing on the 18th June (notice dated 14th May), in the *Kahiti*. The block there mentioned did not include all the land surveyed under that name. I believe it was put off from day to day to see if that could be rectified in any way, but the Natives pressed for a hearing. I think the notice sent by telegram was simply for the purpose of getting an amended description of the land. I had some conversation with Mr. Wilson about this time. He complained that his blocks were not taken altogether. He said if the hearing took place now his case would be prejudiced. I agreed, and told him the intention was to get the case formally before the Court, and then adjourn it, so as to give him time to get in his applications, so that the cases would be heard altogether. The other parties had their claims gazetted first. I believe the intention to get a fresh order for hearing to amend the former one was announced in open Court. After my explanation, Mr. Wilson went to Wellington. The adjournment was always intended, and was not in any way caused by any communication to me from Wellington. Mr. Wilson telegraphed to the Natives to Wellington to say that he had arranged for an adjournment. I complained of this to the Native Minister. I received a reply from Mr. Clarke. [Telegram put in, 28th July, 1875.] I attribute the difficulty in Waingaromia case to Mr. Wilson's neglect in getting the applications gazetted. If the applications for Parariki and Arakihi had been gazetted, I, as District Officer, should have informed the Court that there was a counter-claim. I did bring that under the notice of the Court in respect to the blocks then down for hearing. It was understood that the case would be adjourned, and so Mr. Wilson's Natives did not, all of them, remain throughout the sitting. The amended order of hearing in manuscript included those blocks. They were afterwards gazetted again, on Mr. Wilson's application, in January, 1876, for hearing on the 10th March, at Wai-o-matatini. Had they been called at that Court, I suppose the hearing would have been adjourned until the 5th April, when the cases adjourned on the 29th July, 1875, were to be heard. The usual plan is to send in applications for hearing immediately on entering into negotiations for land.

The Court of the 29th July was adjourned to the 5th April, at Tolago Bay, where Mr. Wilson's

Natives, concerned in Parariki and Arakihi, were residing. I was not at that Court. I do not remember what happened upon reading Mr. Wilson's letter of the 14th March. [Mr. Wilson had said he believed Mr. Locke had forwarded the letter to Judge Rogan the same evening.] I was not present at the Court at Makaraka on the 16th March, nor at Tolago Bay in April. With regard to the Proclamation under section 42 of the Immigration and Public Works Act, I think the Land Purchase Officer should see that the Court is informed of the Proclamation, either through the District Officer or by some other means. One reason why I was glad to authorize surveys of Waingaromia was that I had long been wishing to get a road through that block to Waiapu, to open up the country.

In answer to questions by Mr. J. A. Wilson.] My first authority to survey Waingaromia was before the operation of the Act of 1873 (*i.e.*, November, 1873). I think I spoke to Mr. Campion at the end of 1873. I may have given Mr. Campion a list of lands to be surveyed.

When I witnessed the payment of money by you on Parariki, I did not know it by that name; I only knew Waingaromia. That is why I did not warn you that others were after it; I thought it your business to look after that. I recommended you to purchase Tauwharepara. I believe Eaffie only went on with surveys that Campion had begun. I do not remember any instructions in writing. Verbal applications were often made to me for surveys, and I acquiesced verbally. I did not give Cooper authority to survey Tauwharepara.

The Aetangahauti must have known of Pita te Huhu's application to me to have Waingaromia surveyed. It was generally known, and I knew of no objections. When Europeans came to me I saw the Natives afterwards, before authorizing. The surveys were afterwards taken over by Mr. Baker, who would arrange about the payment. I do not remember ever saying it would be better to give £1,000 to Read and Cooper; I will not say I never said so. I did not say that if I did not buy them out the Government would lose the land. I may have said there would be a hard fight for it. I could not have offered Cooper anything on behalf of the Government. You have consulted me, but have not been in the habit of doing so in regard to your transactions. It would have been better had I been more informed on these matters. I do not think you discussed matters with me with that openness and freedom that would have been desirable. Simpson was taken away for the subdivision of the Makauhi Block. He was selected by the Deputy Inspector of Surveys. I dare say I suggested him as a good man for the purpose. Mr. Baker said he would make arrangements to supply his place. I understood that Waingaromia, gazetted 14th May, did not include all the land that was to be heard under that name. I cannot say how far I was correctly informed. I have attended every Court in this district up to last April, when I was suddenly called to Napier by telegram on account of sickness in my family.

About March, 1876, I got a list from you as to your applications, which had not been gazetted.

Questions by Mr. W. W. Wilson.] I have known Mr. Rogan seventeen or eighteen years, and as Judge since 1870. I have never known him act otherwise than a Judge of the Native Land Court ought to act, or to favour any party.

The Commission adjourned at half-past 4 p.m.

FRIDAY, 10TH NOVEMBER, 1876.

[Further questions put to Mr. Locke were answered as follows:—]

Appendix,
No. 45.

Mr. Locke first put in, at the request of the Commissioners, the telegram from Mr. Wilson to Captain Porter, referred to yesterday, and of which Mr. Locke complained to the Native Minister. Mr. Locke first produced a map supplied by Mr. Baker, showing the block called Waingaromia on the map in the hands of the Commissioners, and containing 7,435 acres. The *Gazette* notice of the Court of the 18th June, 1875, was then read, and the description of the block set down for hearing as Waingaromia was compared with the block on the map. The only boundaries defined in the *Gazette* were a part of south-west, south, and south-east boundaries from Mahangarua to Toromiro, thus excluding Waingaromia No. 3.

Appendix,
No. 46.

With reference to my statement in my memorandum on Mr. Wilson's report as to indiscriminate payment of public moneys, I have known small sums of money paid upon large blocks of land without a proper regard, in my opinion, to the regulations of the Native Office, which I now put in (circular with letter of 27th April, 1875). I instance Waipaoa, Matawai (taken from Schedule, G. 10, Parliamentary Papers, page 19), 54,000 acres, and on which £10 has been advanced. I think the payment of such a small sum is of itself evidence that a proper investigation had not taken place, since, I think, the Natives would not have taken such a small sum if there had been a full inquiry. Such an arrangement could only be completed by going into the investigation *de novo*, or if the arbitrary measure of a Proclamation under section 42, "Immigration and Public Works Act, 1871," were adopted, dissatisfaction and difficulty would be caused. I take the next case in the same page—Mangatu Matawai, 46,000 acres. The land has not been surveyed, nor has it passed the Court; the title is disputed. It is entered as agreed to be leased. Also Huiarua, page 18, 39,000 acres, £1,214 paid. That block has not passed the Court. I should say in any case two-thirds of the purchase money is too much to pay before the land has passed the Court. Puketiki, p. 19, 8½ on 7,469. I mention these cases by way of illustration of my meaning. I speak of my general belief.

To questions by Mr. Wilson.] I know Waipaoa Matawai, on Waipaoa River. I do not know the circumstances fully, but I believe the payment was made to an Opotiki Native, and there was no general meeting. The Native's name is Wi Peri. He is a half-caste, and connected with the Opotiki Natives. I think there ought always to be the fullest investigation before the first payment, however small, is made. I do not say it is wrong to buy the goodwill of a European purchaser, who has obtained an agreement from the Natives.

WILLIAM HORACE BAKER, sworn:

I am Deputy Inspector of Surveys for this district. I produce the plans showing Wainga-

romia, Tauwhareparae, Tuakau, Uawa No. 1, Pirauau, Parariki, and other blocks. Parariki occupies the greater part of Waingaromia No. 2. It was surveyed after the latter was finished. In the same manner Tuakau is mostly taken up by Pirauau and Tauwhareparae. The latter block also takes up the remainder of Waingaromia No. 2. My appointment dates from February or March, 1875. That was when I came here. At that time the Survey Department was entirely disorganized. There was no one in charge of it but the District Officer. There was a Public Works Office, but that had nothing to do with Native lands. Mr. Wilson was employing surveyors when I came. When I came an office was established. There were no special regulations made, except those contained in the Native Lands Act. Applications were made to me by parties requiring surveys. I gave instructions to some of the surveyors that they were not to do any surveys of Native lands without direct instructions from me. When I took charge there were surveys in process of execution. Some were being done for Natives, others for the Land Purchase Department. Mr. Wilson made no application to me for a considerable time after my arrival. It was after Sir D. McLean's visit here. I had conversations with Mr. Wilson before that about the new arrangement. After I arrived, Mr. Locke informed me that he had authorized the survey of Waingaromia. Mr. Locke authorized Eaffie to make the survey. Mr. Wilson mentioned to me that Simpson was taken away from his work. He did not make a complaint. I do not think he ever complained to me that he could not get surveyors. When we got written applications, we pushed the surveys on as quickly as we could. I do not remember Mr. Heale saying anything to me to the effect that information should have been given to Mr. Wilson of the instructions given to the surveyors. There was no need of such information. The Act was sufficient. With regard to the Uawa Block, the area on the map in the hands of the Commissioners, 1,114 acres, is a clerical error. The pencil line on my map was drawn by Judge Munro at the sitting of the Court. The map before Judge Munro showed no distinction of Mangarara No. 2. It was all part of Uawa No. 1.

To questions by Mr. J. A. Wilson.] Mr. Eaffie did not begin Waingaromia until he had finished Tokomairo. I believe Simpson took the appointment of sub-divisional surveyor of his own free choice. I remember, now you mention it, coming to inform you of my position, in consequence of a telegram from Mr. Heale; it was after Teasdale had gone out to survey Tauwhareparae. You may have told me there would have been a good many surveys, and that you would send in requisitions in writing. Eaffie certified the map of Waingaromia 1, 2, 3, as his surveys. I have had several applications from Natives for survey of Ihunui, a block included in Uawa No. 1. I think Mr. Reeves has a house and fences on it: he has spoken to me about it. We could not accept an application to survey from him—only from the Natives or the Land Purchase Department—unless in the case of subdivision. I do not know the area of Ihunui. Judge Monro's line has been cut quite recently. I had it cut in consequence of Judge Rogan's minute on the map. I believe I informed you on the same or the next day. You said you had been urging that the line should not be cut; but receiving no answer to your telegrams, you could take no further steps in the matter. (See telegram 19th September, already put in.)

To the Commissioners.] Before Judge Rogan's note of 18th September, the surveyor began to cut the line without instructions from me. I told him to stop. My reason was that Mr. Wilson had always objected to the cutting of that line. I do not know that he made any special application to me to stop it on that occasion. I do not know whether he knew it was being done.

[After adjournment to 2 p.m.]

Mr. Baker put in the Commissioners' Uawa map with correction of area. The right area is 659 acres, including Mangarara No. 2, 164A (495 acres). My appointment as Deputy Inspector of Surveys is dated 24th February, 1875. I was not acting here in any other capacity before that. Mr. Wilson's application for the survey of Arakibi and Parariki is dated 19th May, 1875.

THOMAS WILLIAM PORTER, sworn:

I am Adjutant of the East Coast District, and Land Purchase Officer of the Ngatiporou District. I have also been acting in this district for about six years as Native Agent for the Government. I know the lands marked on the maps as Waingaromia 1, 2, and 3. Eaffie surveyed them. It was on account of Mr. Cooper. A good deal of land was taken by Cooper, under the name of Waingaromia, which ought not to have been. I only knew the block containing 7,435 acres under that name. Eaffie went out to survey this block after completing his map of Tokomairo. I heard through Natives that the survey party was running into country that was not Waingaromia; that they were going to Tutamoa. I met Pita te Huhu, and took him to my office to learn what country he was having surveyed. The land had been gazetted. [*Gazette* already put in.] I think it was July, 1875 I saw Pita, and told him I heard the surveyors were going into the Ngatiporou country. The description he gave me took in a great deal more than appeared in the *Gazette*. I told him it would not be fair to the Coast Natives, Ngatira, &c., to bring these lands before the Court unknown to them. He said he had no intention of swindling them; he could send up and get them (particularly an old man named Tamati te Rangi—he seemed to ignore the others as owners) to agree to pass these lands through the Court. After this interview, I mentioned the matter to Judge Rogan and Mr. Locke. I said I thought it was an attempt of Mr. Cooper to take in more land than he had any right to. I also told Arapeta Potae that he had better tell Mr. Wilson of it. Mr. Cooper came to me some days afterwards in great trouble about it. He said he had spent a good deal of money on the survey, and if it did not go through the Court he would be in a mess. I understood him to say that a former application had been sent to Mr. Locke, and that application contained all the land. The description in the *Gazette* he said was not the right one. My opinion was formed from the *Gazette* notice, together with my knowledge of the country. [Here Mr. Wilson put in letter from himself to Captain Porter, 22nd June, 1876, and the latter's reply.] Cooper had previous negotiations with Natives for lands—the Oil Spring Block, Mangatai Kaupu. The survey for Cooper went on. It must have been nearly or quite completed when I saw Pita. I think Mr. Wilson came to tell me that these lands were coming before the Court. I remember having a notice about them to send to Natives. I do not

remember giving this notice to Mr. Wilson. I remember showing him a telegram about it that I was going to send to the Native Minister. I have not a copy of that telegram; it was a confidential one. I sent that telegram in consequence of the attempt I understood would be made to pass these lands through the Court. I think it was before I wrote the circular to be sent to Natives at Judge Rogan's request. The purport of that circular was to bring those lands before the Court. The circular was dated the 12th July. I do not remember asking Mr. Wilson if he knew what was going on, nor giving him information about the Judge telegraphing to Auckland. The Court sat on the 16th March, 1876, and again at Tolago Bay in the beginning of April. I think I got there on the 5th, the Court having sat on the 3rd. I saw the Natives about the manner in which the claims should be taken. I found a good deal of confusion amongst them, and I proposed a course to the Court which was adopted. There were some overlapping claims. It was arranged to investigate the overlapping portions separately—Tauwhareparae and Parariki. I acted as District Officer. I had authority to act so at Waiapu, but the Government did not know there would be a Court at Tolago. Mr. Wilson asked me by what authority I was acting, and complained of my acting so. I admitted it was not strictly correct, and I expressed my willingness to withdraw if Mr. Wilson would state his objections in Court.

After hearing Mr. Wilson's evidence on this point:—

The facts are as I have stated them. I did not use the expressions mentioned by Mr. Wilson. It was a benefit to the interests which Mr. Wilson was representing that I should act as a District Officer. I was much abused by the party opposing Mr. Wilson in consequence. Mr. Wilson had the opportunity of explaining his views to me. I think he would not recognize me because I had no proper authority. [Further evidence as given by Mr. Wilson was read.] I deny having said anything to Mr. Wilson or any one else about the Judge having personal animosity to him.

I was acting as District Officer at the Court in July last. I acted by request of Judge Rogan. I was there when judgment was given on Ppuremunga-hua, Ngatawakawaka, and Matatuotonga. Mr. Locke gave me no special instructions as to these blocks. I knew the Government had claims over them. Evidence had been taken on one or two of them before I came. I was there when judgment was given. I do not suppose I informed the Court then. Such information is generally given at an early stage when the maps are produced. I suppose the Court was aware of the state of the case. It was generally known. I heard nothing of any transfer to Cooper. I left on the 15th. I think the Court closed on the 20th. I had other duties to attend to. It was expected that the Court would soon be over, and the Judge said I should not be wanted any more. If Cooper's transaction had come on when I was there, I should have opposed him in the matter. I did not inform Mr. Wilson that I was Acting District Officer.

Questions by Mr. W. W. Wilson.] I have known Judge Rogan many years. I have never known him to act in a biassed or partial manner.

Questions by Commissioners.] At the Court in April, which I attended the morning after I arrived in the "Luna," Rutene was appointed to appear because Henare was not in a fit state to attend. Rutene made his appearance half drunk. I noticed nothing remarkable in the Judge's behaviour to him. I went to Rutene myself and remonstrated with him. He was not fit to conduct his case. The Judge was very much annoyed, but I heard no brow-beating on his part. I think the Judge had good reason to be annoyed. He has not a great deal of patience with them when they attempt to brow-beat the Court. Rutene's behaviour was of that kind.

The Commission adjourned at half-past 4 p.m.

SATURDAY, 11TH NOVEMBER, 1876.

JOHN ROGAN, sworn:

Appendix,
No. 49.

I am Judge of the Native Land Court for the East Coast District. [Judge Rogan began by reading a written statement of his previous professional career and antecedents, which was then received as evidence. Judge Rogan then read his letter on Mr. Wilson's annual report, 6th September, 1876, to be received as evidence.] The Court at Waiapu, on the 10th March, was adjourned by Captain Porter at my request. At the request of Meiha Ropata and the Ngatiporou tribe an arrangement was made for the holding of a large Court at Wai-o-Matatini. An enormous building was erected, applications forwarded to the Chief Judge, the 10th March was fixed, which corresponds with the *Gazette* notice. Every arrangement was made. In February, before the sitting of the Court, there was a flood unprecedented in the memory of the Natives, especially bad at Waiapu. Meiha Ropata communicated with the Government, Captain Porter, and myself requesting that the Court should be adjourned for at least a month in consequence of the destruction of their food by the flood. This was a sufficient reason. I took a trip by steamer to the Wai-o-Matatini and saw Ropata, and told him I would depute Captain Porter to go there and formally adjourn the Court. [Judge Rogan then read minutes of the Court as evidence. Copy to be furnished.] On the 12th, the day to which the Court was adjourned, I opened the Court myself.

The first time Waingoromia was brought under my notice was about 1873. When Judge Munro arrived here there was no accommodation, and Captain Read offered us accommodation at his house. We were acting as Poverty Bay Commissioners and Judges of the Lands Court. At Captain Read's house was a surveyor named Eaffie, in charge of the place in Captain Read's absence. Eaffie was an old acquaintance of mine as a surveyor. I advised him, as a friend, to have nothing to do with the survey for Cooper and Pita te Huhu, of Waingoromia. He persisted in leaving Read's for that purpose. I only knew unofficially that they were wanting the surveys. I come now to July, 1875. Mr. Locke was at Gisborne. I had great difficulties with the Natives at that time, owing to moneys having been advanced both by the Government and private individuals, by which a great deal of drunkenness was caused amongst the Natives. I was compelled frequently to adjourn in consequence of the Resident Magistrate wanting the Court. I moved the Court to the Masonic Hall, and there was about that time a short interval allowed to allow the papers of the Court to be regulated. About the beginning of July,

1875, Mr. Locke came to my private rooms. He said, "Why, Mr. Rogan, this man, Cooper, is going on in such a state that I do not know what is to be done." I said, "What have I to do with Cooper? What has he been doing?" Mr. Locke explained to me that Cooper had surveyed Waingaromia, a block of land that the Government was very anxious to get. Mr. Locke did not know what Mr. Wilson was doing, and he asked my opinion as to the desirability of seeing Messrs. Wilson, Cooper, and Captain Read as to the expediency of buying out Cooper's interest on behalf of the Government. I understood that Read had advanced money to help Cooper. I approved of the proposal. I have worked together with Mr. Locke for years, and have always found him a highly successful negotiator with the Natives. Mr. Locke returned in the evening, and told me he had seen Read and Wilson. He afterwards told me that he could not get Mr. Wilson to do anything, and that the negotiation had fallen through. Some time before this, Hoani Kewa, Pita te Huhu, and a number of claimants for Waingaromia were continually urging me to hear their claims to that land in accordance with the *Gazette* notice for the 18th June. I was informed by Mr. Locke even at that time that Mr. Wilson was negotiating with the opposition Natives at Tolago Bay for lands overlapping this block. Eaffie had completed his survey, and sent in his maps. Finding the great discrepancy between the maps and the *Gazette* description, I raised an objection to hearing the land under that form. The case having been called was adjourned, and the subject was discussed in the office during a temporary cessation of the Court. I remember Cooper meeting me, and complained that he had sent other notices to Mr. Locke, containing a different description of the land, about two months previously. The claim that was actually gazetted was enough to justify me, as Judge of the Court, in hearing all the blocks under the name of Waingaromia. I say so merely because of the name; the description of boundaries is more a matter of form. I have never known the description correspond with the maps. But I was aware that Mr. Wilson was requiring a survey overlapping this country. I told the applicants I would hear Waingaromia under certain conditions: "As these lands are surveyed, if you will go to Mr. Baker's office and write out a description of the separate blocks, I will send on a telegraphic message to Auckland describing these boundaries." A question of time arose. I was to leave here for a Court at Napier at a particular time. By arrangement with these people and others the 29th July was fixed. Several days elapsed before I could get a description of the boundaries. On getting them I sent to the Chief Judge a telegram (9th July). [Reply of the Chief Clerk produced.] On the 29th a letter from Henare Potae and a large number of Natives was read. He knew the circumstances. It was decided, notwithstanding, to hear the case of the claimants by way of preliminaries, and that the Court would then decide what to do in the case. On calling for objectors, there appeared Henare Ruru, Wi Pei-whairangi, Ruka te Aratapu, Arapeta Potae, Herewaka Poata (Mrs. Porter). These were connected with the party with whom Mr. Wilson was dealing. Another set of opposition claimants of Turanga appeared. These are all leading persons. The Court then suggested that the case should stand over for two weeks. The next day the Court decided that the application for adjournment by the objectors should be entertained. The movements of the Court were announced to the Natives, and the Court adjourned, the time not being fixed. Captain Read had no knowledge whatever of the telegram sent to Auckland. Upon first taking accommodation at Captain Read's house, I made it an express stipulation that if he ever attempted to talk to me of matters coming before me as a Judge I would leave his house, if it was in the middle of the night. Captain Read has never attempted to lead my mind in any direction with regard to any part of my public business. I had not the most remote idea of passing these lands through the Court at that time. I only wanted to get them before the Court. I have had no private interests in lands of any kind since I have been in this district. The interests of the counter-claimants could not be at all prejudiced by the course adopted. The case put forward by the counter-claimants is always of much more importance to the Court than that of the claimants.

Appendix,
Nos. 50, 51,
and 52.

[Mr. Locke was here recalled.]

The boundary of Waingaromia in the *Gazette* stops at a certain point abruptly. After hearing Captain Porter's evidence, I think it quite probable that a written continuation of the boundaries was attached to the printed form of application, and that this might have been rubbed off and lost, but I cannot remember whether it was so. The description in the *Gazette* is unusually abrupt.

It is customary to lodge applications for hearing at the office of the Lands Court. When I first came here as Judge, I tried to induce all parties to adopt that practice, and I wrote to the Chief Judge about it. He replied that the parties had better be allowed to do as they like. Since that we have received notices and posted them, if parties chose to bring them to us. In cases where time was of consequence, telegraphic messages have been sent. I do not see how this can prejudice any one. I do not attach any importance whatever to priority, so long as the parties are all before the Court. If Mr. Wilson had lodged his applications in our office, they might have been telegraphed, if required. They would get no more attention in Auckland from having gone through the office, unless I had asked particular attention for them. The Chief Judge has made no objection to notices sent by telegram.

The reason for holding the Court on the 16th March, with so short a notice, appears in papers before the Commissioners. (See telegrams.) The arrangements were made by Captain Porter. There were no new cases for hearing. It was an adjourned Court, though the time had not been fixed at the former sitting. No *Gazette* notice was required. The Natives had notice before the printed notice of the 14th, which was only a matter of form. The Coast Natives attended, Henare Potae, and many others, on the notice given them by Captain Porter. It is not true that a notice of forty-eight hours was allowed for the Natives who were away at Waiapu, as Mr. Wilson states. There is no pretence for saying that the parties concerned were not properly before the Court. After judgment given on No. 3, the Court was adjourned for the decision of 1 and 2, at Tolago, on 3rd April.

Appendix,
No. 53.

The Commission adjourned at 1 p.m.

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.

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

under them. I was sitting under the Act of 1873. I am not certain whether Mr. Locke was present. I did not ask you, when you applied to appear for Government, whether you wished to intimidate the Court. It was not usual under the old Acts for officers to appear for Government in Court except in compensation cases. It has been done in cases where Government had purchased the lands applied for to protest against the Court adjudicating, on the ground that the land had been actually ceded. In such cases there is a clear right to protest, the land having passed the Court before. Waingaromia without number was not gazetted again for 29th July. Judgment was given in it on 10th July, 1875. The Coast Natives were not concerned in it.

[Some discussion here took place on the letter in the *Poverty Bay Herald*, and Judge Rogan declared his wish to withdraw the letter so far as it contained charges against Mr. Wilson, except as to any points, e.g., Parariki, on which he has given evidence. (It is admitted that many of the lands named in that letter have not been adjudicated on.)]

WILLIAM KERR NESBITT, SWORN :

To questions by Mr. J. A. Wilson.] I am Resident Magistrate at Gisborne. I have some recollection of telling you that Henare Potae had conveyed either to Cooper or Read—I forget which—a block you had asked me to attest a deed for from Potae to you. I speak only from memory. I remember a conversation at Tolago Bay. I was under the impression that Read had paid the money, and that the conveyance was to him. [Deed shown to the witness.] To Cooper: It was only my impression.

Questions by Mr. W. W. Wilson.] I remember once Mr. Wilson in private conversation expressing his dissatisfaction with the manner he was received in Court.

HONE PEETI, SWORN :

I am Assessor of the Native Land Court. I remember sitting with Judge Rogan on Waingaromia 1, 2, 3. I am not quite sure about the month. The judgment on Waingaromia No. 2 was mostly mine. I gave it from the evidence I heard in Court, and the reasons brought forward. I distinctly remember speaking to Judge Rogan before judgment was given. The Court moved from Uawa to Wai-o-matatini. After a troublesome investigation about another piece of land, and our decision had been given, I said to Mr. Rogan that I had quite made up my mind to the decision to be given in Waingaromia 2. I was not asked by him. It was my own thought. I told him my thought was that Henare Potae had not the slightest claim to that land (Waingaromia 2). I said the same with regard to Tuakau and Piraupira. The claims Henare Potae advanced for those two blocks were the same as for Waingaromia 2. Henare Potae tried to influence my judgment. At Uawa he called me aside, and said his mind was very dark, because, he said, "I am quite clear my land will go to some other person." I said, "It is not yet known to whom the land belongs." My reason was that the investigation was not complete. Henare Potae said, "I am very frightened of your friend Mr. Rogan, because he will not listen to what I have got to say outside the Court; that was the reason I came to talk to you. If the Court will listen to me I shall be willing to pay money, £50." I asked if that was his reason for being afraid of Mr. Rogan, and mentioning it to me, and if he thought the Court would be doing right in accepting such an offer as that. Henare Potae persisted in wishing me to listen to him, and I told him to stop talking to me. He repeated the same offer to me at the Court at Wai-o-matatini. Some days after I informed Mr. Rogan of his offer. At Gisborne, in the month of June, Henare Potae spoke to me again, and asked me what decision we had come to on Waingaromia No. 2. I refused to tell him. I remember Henare Potae being at the Court at Tolago Bay in April, the day the Court opened. The first day he stood up I think he was sober. The next day he was drunk. That was the day he had an altercation with the Judge. He held up a stick and tried to induce the people to put an end to the Court. I do not know of any instance in which Judge Rogan has ever given judgment without conferring with me.

Cross-examined by Mr. J. A. Wilson.] I do not think any one else was present when Henare Potae made me the offer of money at Wai-o-Matatini.

ROBERT COOPER, SWORN :

Questions by Mr. J. A. Wilson.] I am a settler residing in Gisborne. I know the land called Waingaromia No. 2. I got it surveyed under authority. I was at Napier in June, 1873, and I went to Mr. Locke with an application from the Natives, with whom I was in treaty for this land. I asked Mr. Locke to give Mr. Campion authority to survey the block named in the application. Mr. Locke told me he was not appointed District Officer, and he did not know whether he had power to give authority. He said he would make inquiries and give authority for several other blocks at the same time, and would let Mr. Campion know, and if he could give him authority he would do so. I made application for six or seven blocks. I think I gave Mr. Locke two applications, including six or seven blocks. The application now produced (filed in Court, dated 2nd July, 1875) was not one of those I gave to Mr. Locke. The one I gave was in Pita te Huhu's writing. It was like a letter to Mr. Locke. The land was called Waingaromia, taking in Tutamoe and Tauwhareparae, bounded by Parariki. Eaffie began to survey about October, 1874, then had to knock off, and resumed about February, 1875. Eaffie surveyed Waingaromia proper; he began on that and went right on to the other. No one else was associated with me in February, 1875, in having these lands surveyed. Mr. Graham was not finding funds for the purpose. Any funds Mr. Read has supplied to me has been on mortgage of other properties. He has no mortgage on Waingaromia. We have an agreement relating to Waingaromia No. 2; I think about July, 1875. Mr. Read has no interest with me, either directly or indirectly, in Puremungahua and the other two blocks adjoining.

Cross-examined by Mr. W. W. Wilson.] I have never used any influence with the District Officer or any other official. I have never stated that I have influence with the Court.

Re-examined.] If I received information about a proposed visit of yours to Wellington, it was from your clerk. I may have mentioned the answer you would get when you got there. Mr. Wilson's

clerk one evening told me of a telegram which came from Wellington. I do not remember the month. I said I knew that, three hours before Mr. Wilson got it. We were both rather in liquor. I forget what it was about. I knew nothing of it before; I was only joking. I may have mentioned it to other parties.

GEORGE EDWARD READ, sworn :

I reside at Gisborne. I recollect Judge Rogan often staying with me. No conversation has ever taken place at my house about cases coming before the Court but once; and then, when I mentioned some business that was before the Court, he got very angry, and said he was not there to talk business, and would leave my house if I entered upon such subjects. He has never favoured me. His leanings are towards Maoris in cases where I was concerned on the other side. I have no mortgage over Waingaromia, but I have securities over other properties of Mr. Cooper's.

CHRISTOPHER MOORE WILSON, sworn :

In answer to Mr. J. A. Wilson.] I have been clerk to Mr. J. A. Wilson. I remember 12th April last; I took a telegram to the post office, addressed by you to the Native Minister. I did not see you receive a reply. On the morning of Good Friday, 14th, you took the reply out of your pocket, and I filed it. I think it was marked as received the evening before (13th), about 7 o'clock. Mr. Cooper told me, I think on the evening of the 13th, about 5 o'clock, that he heard Wilson was going to Wellington, but the Government did not want to see him. The telegram from the Native Minister was to ask Mr. Wilson to write instead of going. I had not communicated to any one the contents of the telegram I took to the office on the 12th. On the morning of the 13th March, McKay said he heard you were going to Wellington. He told me afterwards that Cooper had told him. Cooper seemed to know what was going on. He told me he did not want to know from me what was going on, as he knew from Wellington.

Cross-examined.] I do not know that I was drinking at that time. I remember distinctly about the telegram. If any one swears that I was drunk on the evening of the 13th, I cannot say whether it was true or not.

The Commission adjourned at half-past 5 p.m.

THURSDAY, 16TH NOVEMBER, 1876.

WI MAHUKA, sworn :

I live at Waerengahika, and belong to the Itamakaki tribe. I know Waingaromia No. 2, also Pita te Huhu. We belong to the same tribe, Ngaitamatea *hapu*. I am a chief of that *hapu*, one of the principal. I remember the Court at Tolago in April. I went there for the purpose of passing that land through the Court with Pita and others. It was my intention at that time to sell to Mr. Cooper. I was called on by the Court—I and Panapa. Panapa told the Court our claim and Pita's were joined together. Hone, Pita's son, stood up and consented. Panapa belongs to the same *hapu* as myself; our claims to this land are equal. [Evidence ruled inadmissible as to any misconduct of Judge towards this witness at any other Court than the one in April, because no such charge has been stated; Mr. Wilson stating that the witness would state that he felt aggrieved at having been refused a hearing. The same remark applies to another witness, Nepia Tokitahi.] Rutene Kuhu-kuhu is son of Pirika. They have a right to the Parariki portion of Waingaromia No. 2.

Cross-examined.] I have not been admitted by the Court as an owner. I heard so.

HENARE POTAE, sworn :

I am chief of the Aetangahauti and Whenuaarua, from other side of river at Gisborne to the Mawhai towards East Cape. I am the principal chief of this generation of those tribes. Our boundary includes Waingaromia No. 2; proper names are Parariki and Tauwhareparae. Mr. Wilson was the first person to negotiate and pay money on the lands, in October, 1874. I should have known if any one else had been previously negotiating for it. I am the principal owner of Parariki and Tauwhareparae. After payment of money by Mr. Wilson, he sent out, with the consent of the chiefs, to have the land explored. After the explorations public meetings were held at Uawa. We received £1,000 at that meeting. It was upon Tauwhareparae and Huiarua. Parariki and Arakihi were a separate transaction—they were sales. All these things were done in a most public manner. The chiefs who had claims to the land, and the people, were there; they shared in the money then and subsequently. I am not aware of any objection to the transaction, or any interference. I have not heard of any opposition by Pita te Hehu. He had a survey going on, but we thought it was Waingaromia only. The survey was over before we knew its extent. There was some talk of interfering with the survey, but I said, "Let the Court decide." I heard that Pita had sold to Mr. Cooper at the Court at Makaraka. I saw the notice from Captain Porter about the Court, in July, 1875. I did not come. I wrote a letter in reply. Wi Peiwhairangi and Henare Ruru came. I did not come because of illness. Wished the investigation to be had when the surveys were completed. We applied to the Government to have the land protected by Proclamation. I wrote the letter. There was no objection on the part of the Natives. I have not heard whether Pita had any objection. I never offered a sum of money to the Assessor. His evidence (as read) is not true on that subject. I do not know of any offer of the kind to Mr. Rogan. I might have said so when I was tipsy. I remember the Court at Uawa in April last. When I appeared in Waingaromia No. 2, I was the first man to get up and speak. I asked not to go on with the investigation under the name of Waingaromia No. 2. The Court did not consent. I proposed that the Parariki and Tauwhareparae portions should be heard under those names, and Waingaromia No. 2 is a new name. The Court did not consent. I expressed myself in an angry manner, and so did Mr. Rogan. I said in an angry manner that I would not go on with the investigation. I did say Mr.

6—G. 5.

Rogan was the paid servant of Mr. Read, and that I would inform the Government that he was siding with Mr. Read. I have told Sir D. McLean that Mr. Rogan was siding with a European. I was angry when I used those words in Court. At the time the judgment was given, Judge Rogan said that the Assessor, Hone Peeti, had said that Henare Potae had no claim to Tuakau and Waingaromia. After the decision, Judge Rogan had a meeting, at which he spoke of Mr. Wilson's report, and turned to me and spoke of my having complained to Sir D. McLean. I could see that he was angry. I did not say anything to him, as I was very dark about the decision. At the Court in April, when I had the altercation with Mr. Rogan, I had been drinking, although I was not drunk. I could understand all that was said. I should have spoken in the same manner if I had not been drinking. I think I was right in speaking as I did. I was in the Court next day when Rutene spoke, but I did not remain there long. I saw Rutene when giving evidence. Rutene's talk, to my thinking, was right. I am not aware that he was tipsy. He can speak for himself. I think he conducted himself properly. Mr. Rogan arranged with me and Meiha Ropata not to give judgment until we returned from Wellington. The arrangement holds good. The lands have not been investigated.

[The Commission adjourned from 1 to 2 p.m.]

Since that arrangement, judgment has been given on Tuakau and Tauwhareparae. I was present when judgment was given. I had not been heard. The steamer was sent for me, and judgment was given the same day. The investigation had taken place before at Wai-o-matatini. None of us stood up before the judgment was given to say anything. The decision was given on Tuakau and Waingaromia 2 directly the Court opened. I did not know that decision was then to be given. I did not expect more evidence to be taken; I considered the case concluded. The only thought I had was as to a rehearing. I know Mangarara No. 2. The Government gave the land to me. I remember the Court when Uawa was investigated. I have always considered that Mangarara 2 has not been investigated. Hori Mokai belongs to the Aitangahauti, Karauria is chief. I have asked for a rehearing of Taukau and Waingaromia 2.

Cross-examined by Mr. W. W. Wilson.] I never heard of Cooper paying money for the land in 1873. Pita went to Koamu to ask to be admitted to a share in that land. He might have had negotiations with Cooper without my knowing it. I only got £10 out of the £500, which was half of the £1,000 referred to. It was not Mr. Wilson who told me Judge Rogan was in the pay of Read. He and I have had conversations as to the faults of the Court; he has spoken to me of Judge Rogan siding with Read. I do not recollect offering to take 5,000 acres of Pita to sell to Read. I was thinking of selling Huiarua to Read. I never said I and Wilson would be the means of removing Judge Rogan. I heard it referred to by Judge Rogan at the Court. He said we should not be able to do it, but Mr. Wilson might be removed. This was at the meeting after the Court. When the £1,000 was paid, neither Ruka te Aratapu nor Parahuia received any money. Ruka did not belong to the tribe; he belongs to the North. I was at a dinner party when I told Sir D. McLean about Judge Rogan; there were four chiefs there, at Sir D. McLean's house. I asked him to appoint a Judge, as I did not like Judge Rogan, as he sided with the Europeans. I afterwards saw Judge Rogan at Napier. He told me at Uawa of what I had said to Sir D. McLean. He said it was not the conduct of a chief, but a slave, to make attacks behind his back, but notwithstanding that, he would shake hands with me. At the Uawa Court, I got angry, because the Court would not hear the cases as I wished. I consider a man drunk when he cannot speak and falls down. The next day I saw Rutene turn his back on the Court and address the people. When judgment was to be given in Tuakau, the steamer was sent for me by Judge Rogan to Tokomaru, but he did not say in his letter he was going to give judgment in those cases.

Re-examined by Mr. J. A. Wilson.] Any remarks made by Mr. Wilson about the Judge siding with Read were in respect of lands under treaty by him, and were made very recently, since the April Court. At the meeting after the Court, Judge Rogan said to me, "I have done with you, and now I turn to Mr. Wilson." Mr. Wilson was not present. The Judge mentioned Mr. Wilson's report. [With respect to Mr. Wilson's statements that all the cases heard by the Court during the year were cases in which Read was interested, it was ruled that evidence of such a general nature could not be admitted, but that evidence must be given of particular cases to show that Judge Rogan had wrongly neglected or postponed the hearing of them, although they were before him.]

MR. J. A. WILSON, recalled :

Appendix,
Nos. 61, 62,
and 63.

I put in telegrams between myself and the Native Minister, April, 1876. On the 12th April I suggested the expediency of going to Wellington to see him. I sent the telegram by my clerk to the Telegraph Office just before lunch time. I received no reply until the next day about half-past 7 p.m., or a little before. It was delivered at my house to myself. I opened and read it, and put it in my pocket without showing it to anybody; nor did I mention it to any one that day. During that day (the 13th) my clerk told me that Mr. Duncan McKay had asked him whether I was not thinking of going to Wellington. I was not surprised, because I had had my suspicions for some time that information leaked out somewhere. On the 14th (Good Friday) I went to my office. I did not expect to find my clerk there. I found him there making out a list of the officers in the Native Department in Wellington. He asked me whether I had received an answer from Wellington to my telegram of the 12th. During these days he was quite sober. He said, "Cooper has had an answer," or some words to that effect; "he says the Government do not wish to see you." I took the telegram out of my pocket and gave it him to file. He said, "There must be some treachery somewhere," or words to that effect. He pointed to the list he was copying, and said he was doing it for me to look at and form some opinion as to who was in fault. I had told no one before sending the telegram on the 12th that I intended to do so; nor did I say a word to any one about it up to the time of my getting the answer. On hearing what my clerk said, I reported the matter in a telegram the same day. I have no idea where the blame rests. Information has not leaked out since I complained to Sir Donald McLean.

Cross-examined.] It was during the office hours, I think about mid-day on the 13th, that my clerk told me what McKay had said. He told me he had replied that he did not know. I am quite clear about the dates.

WILLIAM HENRY TUCKER, sworn:

I am a Licensed Interpreter, residing at Gisborne. I know Judge Rogan, also Mr Read. I know something of the proceedings of the Native Land Court during the last twelve months. Mr. Read has had interests in cases which have been pending before the Court during that time in this district. In some of these cases there were other interests conflicting with his. I have frequently spoken to Judge Rogan regarding those conflicting interests. Once when I was speaking to Judge Rogan about certain advantages Read had obtained, the Judge appeared to agree with me, and said that where there had been a doubt Read had the benefit of it. I think that was about April. The Judge appeared to be going to say something else, but checked himself. This took place in the street.

Cross-examined by Mr. W. W. Wilson.] I was once in Mr. Read's employ, and for some time have been on bad terms with him. I have known Judge Rogan since 1869. I think him liable to be biassed and prejudiced. I know of one case in which I thought him so. I mean Curtis's lease. I have no ill-feeling against Judge Rogan. I have never heard that he meant to bring an action against me. [Asked if he had ever written in the *New Zealand Herald* about Judge Rogan, and if he had been correspondent of that paper. Witness declined to answer both questions, and they were not pressed.] I suggested to the Natives to write to Government and ask that the proceedings in Makauri Block might be stayed pending inquiry.

The Commission adjourned at fifteen minutes before 6 p.m.

FRIDAY, 7TH NOVEMBER, 1876.

RICHARD JOHN GILL, sworn:

I am Accountant to the Native Department, of which the Land Purchase service forms a part. Mr. Wilson's accounts come before me. Those accounts have never been objected to in Wellington. A ledger account is kept against each block of land. The Native Minister has not, so far as I know, objected to the prices paid. There have been purchase deeds forwarded duly of sales, leases, &c., effected by Mr. Wilson.

Judge ROGAN recalled:

In the case of the memorandum indorsed on the orders of memorial, I do not know that I would have indorsed a similar memorandum subsequently had any other purchaser brought me a similar deed duly attested and acknowledged. Perhaps I might have done so had the idea occurred to me that it would be desirable to call the attention of the Chief Judge to such a complication. With respect to Mr. Tucker's evidence, I spoke to him in an ironical manner when I said I had given Read the benefit of the doubt. I was referring to my having made an amended order by which Mr. Read lost 48 acres, which the Natives gained.

[There being no further evidence forthcoming, the inquiry was adjourned until 2 o'clock p.m.]

DUNCAN MACKAY, sworn:

I am a labourer, residing at Te Arai. I know Mr. Robert Cooper, also Christopher Moore Wilson. I remember last Good Friday. I think I was at Gisborne. I remember about that time, but on what day I cannot say, I asked Mr. C. M. Wilson if Mr. Wilson, the Commissioner, was not going to Wellington. He said not that he knew of. I had heard Mr. Cooper say that Mr. Wilson was going to Wellington, the night before. Cooper did not say how he knew; he only said Mr. Wilson had applied to go down. C. M. Wilson was surprised that I knew of it. At the same time Cooper told me that Mr. Wilson had applied to go, he told me he was sure he would not get leave. That was the evening before I spoke to C. M. Wilson. The conversation had been on the Thursday.

Cross-examined by Mr. W. W. Wilson.] Cooper did not tell me how Wilson had applied. Part of that evening Cooper and C. M. Wilson and I were together at Wilson's Argyle Hotel. Mr. C. M. Wilson afterwards drank too much. He gets stupid under drink and does not seem to say much. I would not say that I saw C. M. Wilson intoxicated that evening; he had some liquor in him. It was the next morning about half-past 8 that I told C. M. Wilson what Cooper had told me. It was about 9 or 10 o'clock the night before that Cooper told me of it.

Robert Cooper.] I do not remember the date, but in the evening at 8 or 9 o'clock, C. M. Wilson told me he expected Mr. Wilson would have to go to Wellington. I asked if the Government had sent for him; he said No, he had telegraphed to tell them he was coming, or something to that effect. This conversation was at the Argyle Hotel. We were at several houses that night. Some few nights after (I cannot say whether it was one or two or three nights after), I saw him in the Argyle Hotel. He said, "The 'bos' has got a telegram from Wellington; he is not to go down." I said, I knew that, three hours before he got the telegram. He asked who told me, and I would not tell him. I knew nothing about the telegram. What he told me was news to me. He used to try to pump me, and I was trying to put him on a wrong scent. I could have said previously to this that he would not get leave. I have received no information except from C. M. Wilson. I do not think it likely I should have said anything about his not getting leave unless I had been told of it. I do not think I spoke to any one about it until Mr. Wilson got the reply. I think McKay was with us when C. M. Wilson told us of the reply.

Appendix,
Nos. 64, 65,
66, and 67.

III.—APPENDIX TO NOTES OF PROCEEDINGS AND EVIDENCE.

No. 1.

(Memorandum.)

Received 28th October, 1876.

THE circumstances referred to in my minutes upon payment-vouchers of the 21st July last occurred at Tolago Bay, between about the 5th and 20th days of that month. During that period the Native Land Court adjudicated the blocks Puremungahua, Ngatawakawaka, and Matatu-o-tonga, and within said period Judge Rogan, knowing said block had been sold by the Natives to the Government, and that Government had surveyed them, did nevertheless order indorsements upon the orders for their memorials of ownership in the manner stated in my minutes relative to two of the blocks.

My minutes should read after the word indorsement upon the order for memorial, &c., the words "the order" requiring insertion.

I charge Judge Rogan with having prejudged my land-purchase transactions in the most hostile and improper manner, in an advertisement inserted by him in the *Poverty Bay Herald*, and dated 20th September, 1876. He has unfitted himself in that advertisement for sitting upon any case mentioned in it.

The Royal Commissioners,
Dr. Giles and Major Brown.

J. A. WILSON,
Land Purchase Commissioner.

No. 2.

(Memorandum.)

Land Purchase Office, Gisborne, 30th October, 1876.

THE circumstances referred to in my minutes upon payment-vouchers of the 21st July last occurred at Tolago, between about the 5th and 20th days of that month.

During that period the Native Land Court adjudicated the blocks Puremungahua, Ngatawakawaka, and Matatu-o-tonga, and within said period Judge Rogan, knowing the said block had been sold by the Natives to the Government, and that Government had surveyed them, did nevertheless order indorsements upon the orders for their memorials of ownership in the manner stated in my minutes relative to two of the blocks.

My minutes should read, after the word "indorsement," "upon the order for memorial," &c., the words "the order" requiring insertion.

I have to state that Read is associated with Robert Cooper in the purchase of one or more of these three blocks, and these persons are the same Read and Cooper mentioned in my report of the 6th June, 1876, as having received unusual facilities and protection from Judge Rogan; and that Robert Cooper, mentioned on the payment-voucher of the 21st July, 1876, is the Cooper mentioned in said report.

I charge Judge Rogan with having published a mischievous letter, in the form of an advertisement, in the *Poverty Bay Herald* of the 22nd September, 1876; and in making this charge I adhere to the language of my report of the 6th June last, section 8, in saying of this advertisement that it is one of the "many unprecedented proceedings of the Judge," that "it is an exceedingly improper proceeding, a violent action," and is of a nature to "injure the cause of the public," by prejudging the same to Cooper's advantage.

I repeat, also, "I am convinced—I say it emphatically—that it will be necessary to hear the cases over again before another Judge"—*i.e.*, the cases upon all my numerous blocks, that have been singled out by Judge Rogan from the blocks of other Land Purchase Officers, and have been prejudged in a spirit too hopelessly hostile to warrant the slightest hope that the blow he threatens will not be delivered.

I submit that by the insertion of that advertisement Judge Rogan has rendered himself unfit to sit upon any case mentioned in it.

That at the Court held at Tolago in July last, Judge Rogan did promise, and arrange with the chiefs Henare Potae and Ropata Wahawaha, that as these chiefs had been summoned by a Parliamentary Committee, and could not attend the Court, therefore action should be suspended in certain cases then before the Court until the chiefs should have opportunity to plead to the same. That such promise and arrangement has nevertheless been broken by Judge Rogan, by his subsequent judgment at Tolago, and by statements contained in his advertisement in the *Poverty Bay Herald*.

In reference to Uawa Block at Tolago, over which an interlocutory order of the Native Land Court was given in 1873, I beg to state that the line of action now and some time past pursued by Judge Rogan, if carried out, will imperil, injure, or destroy large public rights and interests in the township site at Tolago, and that one Michael Mullooly will benefit thereby—that is to say, in so far as such action shall be found to affect the block known as Mangarara No. 2; and I contend that the acts of Judge Rogan with regard to this matter are forced, that they are illegal, and that they have been proceeded with in face of records of the Court.

The date of the combined action of the Judge and District Officer to prevent land from being gazetted as I had requisitioned, and Mr. Clarke had recommended, was on the 23rd July, 1875. This remark has reference to the paragraph in my report of the 6th June, 1876, referring to this subject.

I affirm that the administration of the Court has been too irregular in this district. The list of names of Natives inserted in titles are sometimes incorrectly recorded, as in the case of Motu. Notice of the sitting of a Court is sometimes insufficiently given, as in the case of the last Court, *re* Waingaromia No. 2, which was held on the 3rd instant, though advertised for the 10th, while the manner in which lands have been gazetted for hearing is sometimes quite unprecedented, as with the cases of the Tauwhareparae and Huiarua Blocks, 113,000 acres, mentioned in Judge Rogan's advertisement in the *Poverty Bay Herald*. In these two cases the Court itself (not the Natives) supplied by telegram to

the head office at Auckland the very imperfect notice published in the *Kahiti* of the 18th May, 1876 while the perfectly regular, and properly drawn applications by the Natives for hearing in these blocks, which were forwarded through this office on the 1st June last, have not been published at all. The form therefore in which this matter stands is due to irregular action on the part of the Court, and is an unfortunate position when read by the light of Judge Rogan's advertisement.

The Royal Commissioners,
Dr. Giles and Major Brown.

J. A. WILSON,
Land Purchase Commissioner.

No. 3.

MEMORANDUM of Certain of Mr. WILSON's Witnesses:—

Henare Ruru, Tolago; Henare Potae, Tokomaru; Rutene Kuhukuhu, Turanga; Arapeta Rangiua, Tolago; Peka Marotiri, Anaura; Tamakiterangi, Anaura; Tu Maorirere, Anaura; Hapurona Konia, Anaura; Paora Parau, Turanga; Dr. Nesbitt, R.M., Gisborne; Horace Baker, Gisborne; Captain Porter, Gisborne; R. M. Skeet, Gisborne; Leonard Simpson, Gisborne; W. H. Tucker, Gisborne.

No. 4.

(Treasury Voucher, No. 20,696.)

Gisborne, New Zealand.

The NEW ZEALAND GOVERNMENT (Native Land Purchase Department), DR. to HENARE POTAE.

October 27, 1874.—Part purchase money of the Pua-te-Roku Block, Tokomaru

West	£50	0	0
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I certify that, to the best of my knowledge and belief, the foregoing account is true and correct in every particular; that the charge is reasonable; and that the amount herein has been paid to the Native who has signed.

J. A. WILSON.

Received from the Paymaster-General, by cash, this 27th day of October, 1874, by J. A. Wilson, Esq., the sum of £50 sterling, in full payment of the above account.

Witness—S. LOCKE.

H. POTAE.

No. 5.

(Treasury Voucher, No. 20,695.)

Gisborne, New Zealand.

The NEW ZEALAND GOVERNMENT (Native Land Purchase Department), DR. to HENARE POTAE.

October 27, 1874.—Part purchase money of Parariki Block £50 0 0

I certify that, to the best of my knowledge and belief, the foregoing account is true and correct in every particular; that the charge is reasonable; and that the amount herein has been paid to the Native who has signed.

J. A. WILSON.

To be charged to Land Purchase Account, Auckland Province, Parariki Block.

RICHARD J. GILL, for Under Secretary.

Received from the Paymaster-General, by cash, this 27th day of October, 1874, by J. A. Wilson, Esq., the sum of £50 sterling, in full payment of the above account.

Witness—S. LOCKE.

H. POTAE.

No. 6.

Mr. J. A. WILSON to Captain READ.

SIR,—

Gisborne, Land Purchase Office, 7th July, 1875.

With reference to our conversation previous to your recent departure to Napier, and to the conversation I had with yourself and Mr. Locke this morning regarding certain of Mr. Cooper's transactions in land in this district and your interests in the same, I have the honor to ask you to be good enough to state specifically what those interests may be, and on what terms you desire to offer them to the Government.

I have, &c.,

G. E. Read, Esq., Gisborne.

J. A. WILSON,

Land Purchase Commissioner.

Captain READ to Mr. J. A. WILSON.

SIR,—

Gisborne, 12th July, 1875.

In reply to your letter of the 7th instant, I beg to inform you that Mr. Cooper is the person who will be able to give you full particulars respecting the land in question, he having negotiated with the Natives for the same.

J. A. Wilson, Esq.

I have, &c.,

G. E. READ.

No. 7.

He Panuitanga Ki nga tangata e whai take ana ki te whenua kia mohiotia ai te wahi me te ra e tu ai te Kooti hei whakawa i o ratou take.

NA, he Panuitanga tenei kia mohiotia ai, ko te take a nga tangata no ratou nga ingoa e mau nei i te rarangi tuatahi i raro nei, ki nga piihi whenua e mau nei i te rarangi tuarua, ka whakawakia a te 29 o nga ra o Hurae, 1875, e te Kooti Whakawa Whenua Maori, ki Turanganui. Ko nga tangata katoa e whai tikanga ana mo aua whenua me haere ki reira.

Ka oti te whakawa, ka puta te Karauna Karaati ki te hunga i kitea tona tika e te Kooti: heciano he tino whakaotinga tena; ekore rawa e tika kia peke mai tetahi tangata ki muri.

Kooti Whakawa Whenua Maori,
Akarana, Hurae 12, 1875.

(Seal of N. L. C.)

NA TIKI,
Tino Kai tuhituhi.

Ko nga ingoa o nga Kaitono.	Nga ingoa o nga whenua me te Takiwa hoki.	Nga rohe.	Ko te takotora o te mapi.
Wi Mahuika Patariki Pahura, Tiopira Te Wheao	Haumatuku, kei Turanga	Ka timata i te Taumata-o-te Whakapaki, haere tonu te Hautau Matoku, Whare-o-rahire, Te Rere, ka haere ma te rohe o Rangatira tae noa ki Whareturahi	Mehemea kua oti enei whenua te ruri ka kiteanga mapi ki te Tari o te Kaiwhakawa Tuturu i Turanga.
Peta te Huhu, Hone Keroa, Aperana Peta te Huhu, Hone Keroa, Aperana	Waingaromia, Nama 1, kei Turanga	Ka timata i Te Romiro, haere tonu Te Arakihi, Parikanapu, Makahakaha, Waingaromia	
	Waingaromia, Nama 2, kei Turanga	Ka timata i Te Arakihi haere tonu Paraheka, Tangihanga, Whakanui, Te Waiau, Mangamunu, Whakerokero, Mangatumara, Waingaromia	
Pita te Hauhau, Hunc Keri, Paora Haupo	Waingaromia Nama 3, kei Turanga	Ka timata i Moakahau, haere tonu Toromiro, Matai, te awa o Waimatai, a ma taua awa ki te Waihora	

[TRANSLATION.]

Notice under the Native Land Acts, 1873-74, of Times and Places for investigating Claims.

NOTICE is hereby given, that the claims, on behalf of themselves and others, of the several persons whose names are mentioned in the first column of the Schedule hereunder written, to the several blocks of land of which the names and localities are mentioned in the second column, will be investigated on the 29th day of July, 1875, by the Native Land Court at Turanganui.

Native Land Court,
Auckland, July 12, 1875.

A. J. DICKEY,
Chief Clerk.

Name of Claimant.	Name and Locality of Block.	Boundaries.	Place where Plan will be deposited for public inspection.

No. 8.

See *Kahiti* No. 12, July 27, 1875.

(Containing notice of hearing of lands referred to above.)

No. 9.

(Telegram.)

Auckland, 30th November, 1876.

FOLLOWING mails left Auckland for Gisborne in July, 1875:—2nd July, "Pretty Jane;" 18th, "Southern Cross;" 22nd, "Star of the South;" 28th, "Pretty Jane;" 30th, "Agnes Donald." Postmaster at Gisborne will furnish you with dates of receipt.

S. B. BISS.

J. A. Wilson, Gisborne.

MAILS FROM AUCKLAND RECEIVED AT GISBORNE.

One mail per "Southern Cross," received on the 18th July, 1875.
Two mails per "Rangatira," received on the 6th August, 1875.
Two mails per "Pretty Jane," received on the 6th August, 1875.

Post Office, Gisborne, 1st November, 1876.

J. P. BROWNE,
Postmaster.

No. 10.

KIA HONE WIRIHANA,—

Anaura, 18 Hurae, 1875.

E hoa, tena koe,—Kua tae mai te reta a Kapene Poata he whakaatu mai i te ra e tu ai te Kooti Whakawa Whenua Maori, ki Turanganui mo nga hapu e whai take ana ki taua Whenua.

Waingaromia Nama-tu.—Kaore matou e pai kia tu taua Kooti mo taua whenua; i te Kawanatanga taua whenua. Heoi.

Na o hoa pono,

KEREUA TAMAKITERANGI.

PITA HOUAO.

WI KORO.

PEKE MAROTIRI.

KEREAMA TAMARARO.

Ara na te Iwi nui tonu.

Tena te reta a Pita te Huhu ka hoki atu i a matou ki a koe.

[TRANSLATION.]

To Mr. JOHN WILSON—

Anaura, 18th July, 1875.

Friend, Salutations—I have received a letter from Captain Porter, informing me of the date of sitting of Native Land Court at Turanganui for the *hapus* claiming land there.

Waingaromia No. 2.—We object to this land being brought before the Court, the Government have that land.

From your sincere friends,

KEREUA TAMAKITERANGI.

PITA HOUAO.

WI KORO.

PEKE MAROTIRI.

KEREAMA TAMARARO.

That is from the whole tribe.

Herewith we return you Pita te Huhu's letter.

No. 11.

KIA KEREUA,—

13th Hurae, 1875.

E hoa tena koe,—Me haere mai koe mo te Whakawa o Waingaromia Nama tu (2), Nama teri (3) a te rua tekau ma iwa o nga ra o tenei Marama ka tu te Kooti.

Kia tera.

Heoi,

NA PITA HUHU.

[TRANSLATION.]

To KEREUA,—

13th July, 1875.

Friend, salutations.—Do you attend the investigation of the claims to Waingaromia No. 2 and No. 3. The Court sits on the 29th of this month. Be speedy. Ended.

From

PITA HUHU.

No. 12.

KIA TE WIRIHANA, KOMIHANA.

Uawa, Hurae 10, 1875.

E hoa tena koe,—Tenei taku kupu ki a koe. Kua rongo ahau ki te kupu a Pita te Huhu kia Kootitia e ia a Parariki.

Na, e hoa he kupu tenei ki a koe, E kore ahau e whakaae no te mea he whenua tenei kua oti ia au te hoko ki a koe ki te Kawanatanga, Kia ta e hoki tetahi ruri maku ki reira katahi au ka pai, kia Kootitia, ko te mahi kino a Pita kore au e pai. E mea atu ana au kia koe kei kiia au e koe he teka au ki a koe.

Engari kia kaha koe ki to taua kainga ki Parariki ara he tangata Ruri.

Na to hoa aroha,

NA RUTENA KUHUKUHU.

[TRANSLATION.]

To Mr. WILSON, COMMISSIONER.

Tolago, 10th July, 1875.

Salutations. This is my word to you. I have heard that Pita te Huhu has said that my land at Parariki shall be brought before the Native Land Court by him.

Now, O friend, this is my word. I will not consent, because this is land that I have sold to you—*i.e.*, to the Government. After this land has been surveyed by me I will consent to it being brought before the Court.

Pita's work is evil, and I cannot approve of it.

Accept my assurance that I am true to you in this matter. Be you strong in regard of this our land at Parariki. Send a surveyor.

From your sincere friend,

RUTENE KUHUKUHU.

No. 13.

KIA TE WIRIHANA,—

Hurae 17, 1875.

He kupu atu tenei naku ki a koe, kahore ahau e pai kia tu te Kooti mo Waingaromia Nama tu (2) teri (3) no te mea kei waenganui o aku pihi e haere ana taua ruri a Pita te Huhu raua ko tona pakeha ko te Kupa. Kati me tuku ki raro te Kooti kia ruritia rawatia taku whenua i hokona e au ki te Kawanatanga katahi ano ka Kooti ai i te kainga o Pita. Ka nui taku pouri mo aku whenua ka pau i a Pita te Huhu te ruri tahae.

E hoa e te Wirihana kia kaha tahi taua ki te tuku i te Kooti ki raro.

Na to hoa,

Na HENARE RUBU, kei Uawa.

[TRANSLATION.]

To MR. WILSON,—

17th July, 1875.

This is word of mine to you. I object to a sitting of the Court being held to adjudicate on Waingaromia Nos. 2 and 3, because that survey of Pita te Huhu and his pakeha, Mr. Cooper, is carried through my pieces. Stop! Let the Court be put off till a survey has been made of the land sold by me to the Government, after which Pita's land can be adjudicated on.

I am grieved about my lands which have been absorbed by Pita te Huhu in his thievish survey. Friend Mr. Wilson, let us be strong in getting this Court put off.

From your friend,
HENARE RURU, of Uawa.

No. 14.

Mr. S. LOCKE to Mr. H. T. CLARKE.

(Telegram.)

Gisborne, 23rd July, 1875.

OUR all day at Makauri or would have answered sooner. My opinion regarding proclaiming Waingaromia, and Judge Rogan agrees with me, that the Proclamation proposed would damage all hopes of procuring further land in the district more particularly with Ngatiporou. The course to be carried out is to call the case on in the usual way. It will then be represented that there are overlapping claims on the land. The case will then be adjourned until next autumn, which will give Mr. Wilson time to get the line surveyed, and to send in his application to be gazetted for all lands he is in negotiation for. The Natives now have unlimited confidence in the Court, and the action proposed would damn it.

The Under Secretary, Native Office, Wellington.

I have, &c.,
S. LOCKE.

No. 15.

The UNDER SECRETARY, Native Office, to Mr. S. LOCKE.

(Telegram.)

July 25, 1875.

RE your telegram of this morning, Hon. Native Minister directs me to say that if you carry out the arrangements you indicate it will be satisfactory, and he relies on your seeing the Government interests protected in every way. You can do this in your capacity as District Officer. The idea of proclaiming the block under 42nd section of Immigration and Public Works Act was simply to protect the Government. Mr. Wilson, of course, will furnish you with every information.

S. Locke, Esq., R.M., Gisborne.

J. H. ST. JOHN, U.S.

No. 16.

WAINGAROMIA No. 2.

KA noho Te Kooti Whakawa Whenua Maori ki Makaraka (Taumata o te Rakato) a te Taete te 16 o nga ra o Maehe ki te Whakarongo i etahi atu korero o te kai tono (Pita Te Huhu) me nga korero o nga Kai Whakaha e pa ana ki tenei papa whenua.

NA TE ROKENA,
Kai Whakawa.

I TE otinga o Waingaromia (ki te mea ka whai taima) ka whakawhakia etahi atu wahi kore raruraru. Tari o te Kooti Whakawa Whenua Maori, Turanga,
Maehe 14, 1876.

[TRANSLATION.]

NATIVE LANDS COURT.—WAINGAROMIA No. 2 BLOCK.

In the matter of the claim of Pita te Huhu and others, and the counter-claim of Wi Pai o Rangi and others to the said Block.

THE further hearing of this adjourned cause will be proceeded with by the Court at Makaraka, on Thursday, 16th instant.

NOTICE.

AFTER the disposal of the above cause, the Court will (if time permits) proceed to hear unopposed applications in other causes.

J. ROGAN,
Judge, Native Lands Court.

No. 17.

Mr. J. A. WILSON to Mr. S. LOCKE.

SIR,—

Land Purchase Office, Gisborne, 14th March, 1876.

I have the honor to state that I have this day seen an advertisement in the *Poverty Bay Herald*, notifying that the Native Land Court will sit at Makaraka on the 16th instant, to hear the case Waingaromia No. 3.

In reference to this sudden and unexpected action of the Court, I beg to make the following remarks in the interest of the Natives owning that land, from whom the Government has purchased, no less than in the interest of the Government itself.

And first I will premise, as you are aware, that the block in regard of which this notification is made encroaches upon three blocks of land that have been purchased and surveyed by the Govern-

ment—namely, Tauwhareparae, Parariki, (which Waingaromia No. 2 almost entirely absorbs), and Arakihi. It will be remembered that the question how, considering the circumstances, these claims should be heard was raised in July last, and that the matter was settled on the 22nd of that month by the acceptance on the part of the Hon. the Native Minister of an arrangement proposed by yourself, with the therein expressed concurrence of the Judge, as the same was telegraphed to the Under Secretary on the morning of the same day. By that arrangement it was understood that the claims and surveys, with their overlaps, should be taken together when the Government surveys should be completed.

It will not be possible to adhere to an arrangement to which all parties have agreed, by which, as far as I am aware, all parties have been guided, and on which those holding the interests I write about have relied, if the hearing of Waingaromia No. 2 is to take place at Makaraka on the 16th instant.

1st. Because Arakihi and Parariki have been gazetted for hearing on the 10th of this month at Waimatatini, Waiapu. I am aware that the principal Natives who have the management of these claims have arranged to be present or to be represented at the Court at Waimatatini, in order that an application may be made for adjournment to more convenient time and place. In adherence to arrangement of July last they are compelled to do so.

I submit that the authoritative announcement of this day is as incompatible with the *Gazette* announcing the hearing of Parariki and Arakihi at Waiapu, as each is incompatible with the arrangement of July.

2nd. The Tauwhareparae Block has never been gazetted for hearing at all, notwithstanding the application for such hearing was posted from this office on the 18th October last. The plan of that block as surveyed by Messrs. Teesdale and Davis was only completed this day. Yet a portion of this block forms a large portion of Waingaromia No. 2. Therefore, I submit again, that to adhere to the arrangement of July, which arrangement is claimed, it will be necessary to gazette Tauwhareparae for hearing, and to take the portion of Waingaromia that overlaps it at the same time that Tauwhareparae is adjudicated.

Here, *en passant*, I would notice the extraordinary number of applications for hearing that have been forwarded from this office which have received no attention as yet from the Native Land Court. In this way nine blocks remain ungazetted at the present time, and this notwithstanding applications in regular form for them all have been posted from this office at various times last year, as shown by the return I have sent to you this day.

I have only one other point to notice. The very unexpected action of the Court is premature in forestalling the pre-emptive right of the Governor, who has called for further information before deciding as to whether he shall avail himself of that right. *Vide* latter portion of telegram to Mr. Clarke forwarded to yourself.

S. Locke, Esq.,
District Officer, Napier.

I have, &c.,
J. A. WILSON,
Land Purchase Commissioner.

No. 18.

Mr. J. A. WILSON to Mr. H. T. CLARKE.

SIR,—

Land Purchase Office, Gisborne, 25th October, 1875.

I have the honor respectfully to request that the Native Land Court may be asked by the Government to commence to take cases in which the Land Purchase Department is interested in this district in the middle of February next.

I make this request because my plans will then be ripe for passing twenty-three blocks through the Court, containing a total of 270,000 acres.

H. T. Clarke, Esq., Under Secretary, Native Office,
(Land Purchase Branch.)

I have, &c.,
J. A. WILSON,
Land Purchase Commissioner.

No. 19.

Mr. H. T. CLARKE to Mr. J. A. WILSON.

(Telegram.)

Government Buildings, Wellington, 13th April, 1876.

HON. NATIVE MINISTER desires me to inform you that there is a report current here that you have been paying large sums to Natives for land, to individuals who have been proved before Native Land Court not to be entitled, and that the Government will lose thousands of pounds. Is there any foundation for this?

J. A. Wilson, Gisborne.

H. T. Clarke,
Under Secretary.

No. 20.

Mr. J. A. WILSON to Mr. H. T. CLARKE.

(Telegram.)

Gisborne, 15th April, 1876.

The only land on which a judgment has been given is that reported in my letter No. 329. Regarding lands *sub judice* it would be premature to write. Moneys advanced on the latter are about £480, paid to Natives appointed at public meeting to receive and divide same.

H. T. Clarke, Esq., Under Secretary, Land Purchase Branch,
Government Buildings.

J. A. WILSON.

No. 21.

Mr. J. A. WILSON to Mr. H. T. CLARKE.

SIR,—

Land Purchase Office, Gisborne, 16th August, 1876.

See Appendix,
No. 29.

I have the honor to acknowledge the receipt of your telegram No. 482, calling for a concise report of the purchases of Pūremungahua, Ngatawakawaka, and Matatuotonga, from my first entering into negotiations for those blocks up to the present time, including judgments of Court.

In reply, I beg to state in the first place, that I should have forwarded a more formal report than is contained in my telegram of the 24th ultimo, and in minutes upon vouchers named in your telegram, had I not felt a degree of hesitation arising out of an uncertainty as to the light in which the Government had viewed the latter portion of my report of the 6th of June last. In regard to the blocks now under report, I beg to state that the circumstances are few and simple. On the 27th January, 1875, the Native owners sold these blocks to the Government at the price of 2s. per acre, the Government to bear the expense of surveys and all other expenses and charges whatsoever. The land was sold at a public meeting convened by the Natives, and held at Tolago in the open air on the forenoon of the day named. The agreements of sale were not made out and signed that day, nor were the advances paid just then. This was owing to a press of other business, and to the presence of several other *hapus* from a distance, who engaged my immediate attention. The agreement for Ngatawakawaka, which was executed on the 29th January, 1875, notifies the sale to me on behalf of the Government of the block of land situate in the district of Tolago known by that name. It gives the boundaries of the block, and states its price per acre. By it the vendors covenant to point out the boundaries upon the ground to the Government surveyor, to pass the land through the Native Land Court, and to convey to the Crown afterwards. It also acknowledges the receipt of an advance of £25, paid by me on the purchase. The agreement is in Maori, and attested by a Native chief. Agreements in similar terms, attested in like manner, are held by me, declaring the sale of Matatuotonga on the 5th February, 1875, and of Pūremungahua on the 22nd of the same month. On these advances were also paid, and to the present time not a single Native disputes these Government purchases in regard either to the fairness of the transactions themselves, or to the ownership of the Natives with whom the transactions were entered into.

The lands were surveyed last winter by the Deputy Inspector of Surveys on my requisition, and the following applications for hearing were made upon the forms of the Court, and were sent to the Chief Judge of the Native Land Court through this office:—

For Ngatawakawaka, on the 14th September, 1875, which was returned as insufficiently signed at foot of form, and a fresh application was sent through this office on the 15th November.

For Pūremungahua, on the 8th October, 1875, returned in like manner, and a fresh application was sent through this office on the 19th November, 1875.

For Matatuotonga, on the 15th of November, 1875.

The three blocks were gazetted for hearing at Wai-o-matatini, Waiapu, on the 10th March last, at which time however they were not heard, as the Court at that place was adjourned for a month.

As Wai-o-Matatini is more than two days ride from Tolago—is in fact quite out of the way—I asked Judge Rogan, on or about the 5th April, to permit the adjournment from Wai-o-matatini to Tolago, of these and all lands in any district in which Government is interested. Judge Rogan replied to the effect that he himself wished that the cases I referred to should be taken at Tolago, as a place that was far more convenient for himself, and he mentioned correctly the number of my claims which might be probably so adjourned, saying at the same time that of course the Natives would have to make the necessary applications in Court. The cases named were accordingly adjourned to Tolago.

Here I should state that I had written to the District Officer, Mr. Locke, informing him that these were Government lands, and in Matatuotonga and Ngatawakawaka I added the names of the principal owners. *Vide* my letter to you No. 469-76, of the 29th ultimo, with correspondence attached.

The three blocks under report were proclaimed under the 42nd clause of "The Immigration and Public Works Act Amendment Act, 1871," in the *New Zealand Gazette* of the 4th May. They were heard by the Native Land Court at Tolago on the 5th, 6th, and 7th July last. They were awarded in each case to the Natives with whom I had dealt.

I did not hear from the District Officer that Captain Porter had been appointed his deputy. I did not hear from Captain Porter that he was the District Officer's deputy, nor did I receive any intimation on the subject from yourself.

I was not present at Tolago Court. I knew that the District Officer would be absent at Napier, that I should therefore have no means of communicating with the Court; but on this ground I felt no uneasiness, as I also knew that the ownership to the lands was undisputed. On this head, therefore, my presence was not necessary. Again, the sale of these blocks to Government was so publicly known, was a matter of such general notoriety in that part of the country, and had been for months, among Europeans and Natives, that, setting aside my conversation with the Judge, and statements the Natives may have made to the Court, I should not have been justified in supposing that these public interests could be endangered by any action of a Court whose function it is under the present Act to "make inquiry." I could not have supposed it possible that facts most patent would have been neglected, any more than I could have supposed the Court capable of ignoring the 42nd clause of "The Immigration and Public Works Act, 1871," with the Governor's Proclamation based on the same. On these grounds, therefore, my presence at Tolago was unnecessary.

On the other hand, the Natives in Tolago had been expecting payment so long, their patience was so sorely tried, that they had told me the last time I was there not to visit that place again without the money for their land. They had also written to me subsequently to the same effect. In reply, I had said I would not come without the means of paying for their land, and so anxious was I to satisfy their reasonable request, and so much importance did I attach to it, as an example for other blocks, that I followed my letter No. 447-76, and other letters to Wellington, in order to urge the money question, and that a Magistrate might be sent to attest the signatures of the Natives.

On the 9th I returned from Wellington. On Monday, the 10th, not finding the money remitted, I telegraphed to you.

On the 12th, Mr. Campbell, R.M., unexpectedly arrived at Tolago from Waiapu. On the 13th Messrs. Read and Cooper's interpreters, Ferris and Skipworth, hastily prepared deeds, and the majority of the Natives signed conveyances to Cooper in the presence of the Resident Magistrate. I say the majority, because all the Natives were not present. H. Potae was absent at Wellington, and it may be others were absent.

On the 15th, Captain Porter returned from Tolago, where he had been acting, unknown to me, as District Officer. On the same day money was placed to my official account at the Bank of New Zealand, Gisborne, it having arrived after hours by telegram on the previous day.

On Monday, the 17th, a message that had been delayed by the weather was received by Dr. Nesbitt, R.M., from Mr. Ferris, Cooper's interpreter, asking him to go to Tolago to attest signatures. As Tuesday was Court-day, the Doctor told me he should go on Wednesday. I asked him to wait until I could go with him. He declined, and started early on Wednesday morning; but turned back from Waitotora the following day, when he heard that Mr. Campbell, R.M., had witnessed the signatures for which he had been required.

At the time the Doctor spoke to me I was not able to go, because from the best information I could obtain—Captain Porter and Mr. Woon, the Clerk of the Court—I found that my surest way to obtain lists from the Court of the names of the Natives to whom awards had been made was to wait at Gisborne until the Court, which was daily expected, should arrive, as if I went by land I should miss the Court which was expected by sea; and even otherwise, Mr. Woon thought the papers would be packed up, and the clerks might not be there—for the Court was known to be closed. However, it reopened the morning it went on board the steamer at Tolago, the 20th, and took the action under the 59th, 60th, and 61st clauses complained of, and this after the Acting District Officer had come away and people had dispersed to their homes.

I have little else to add, save that the duty and survey money have been paid by Cooper to the Native Land Court. The latter was tendered by the Clerk of the Court to the Deputy Inspector of Surveys. The latter officer referred to me, and I requested him not to accept the money.

Mr. Woon has furnished me with the orders for memorial of ownership, as copied and enclosed. He tells me there are no written judgments; that his instructions were to indorse minutes on orders for memorial of ownership under clauses 59, 60, and 61 of the Act.

I beg to refer to my telegram of the 24th ultimo relative to the refusal of Judge Rogan to permit a title to Government, under said clauses, in the case of Te Marunga, until after the period for appeal should expire.

The moment I was in a position to go to Tolago to pay for the blocks under report, I asked the Resident Magistrate at Gisborne to accompany me to attest signatures; he, however, declined. I then wrote to him, and he gave his reasons for not going in writing. (*Vide* correspondence attached to my letter No. 455.)

H. T. Clarke, Esq.,
Under Secretary, Land Purchase Branch.

I have, &c.,
J. A. WILSON,
Land Purchase Officer.

MR. WILSON,—

On reference to the minute-book of the proceedings at the Uawa Court, held 5th ultimo, I find there was no formal judgment given after hearing the evidence at the investigation of the claims to the blocks of land noted in the margin*—simply an order for memorial of ownership.

15th August, 1876.

EDWIN WOON.

NATIVE LANDS ACTS, 1873-74.

District of Hawke's Bay, }
Province of Auckland. } NGATAWAKAWAKA BLOCK.

At a sitting of the Native Land Court of New Zealand, held at Uawa (Tolago Bay), in the said district, on the 5th day of July, 1876, before J. Rogan, Esq., Judge, and Hone Peeti, Assessor.

It was ordered that a memorial of the ownership of Arapeta Rangiuiia, Hera Paki, Nopera Rangiuiia (minor), Karaitiana Amaru, Mere Rangiuiia (minor), Tame Pahura (minor), Hare Matenga (minor), Hatiwira Pahura (minor), Tepora Tuhaia (minor), Pateriki Pahura, and Hone Kewa, of a parcel of land at Uawa, in the district aforesaid, containing _____, and known by the name of Ngatawakawaka, be inscribed on a separate folium of the Court rolls.

Witness the hand of J. Rogan, Esq., Judge, and the Seal of the Court, the 21st day of July, 1876.
J. ROGAN, Judge.

COPY of MINUTE entered in Minute Book, Uawa, Vol. II., folio 178.

A DEED of sale of a block of land situated in the District of Hawke's Bay, called Ngatawakawaka, containing one thousand six hundred and fifty-seven (1,657) acres, has been produced before me, and the chief owners acknowledge the sale to Robert Cooper for the sum of one hundred and sixty-five pounds fourteen shillings (£165 14s.).—J. ROGAN.—20th July, 1876.

NATIVE LANDS ACTS, 1873-74.

District of Hawke's Bay, }
Province of Auckland. } PUREMUNGAHUA BLOCK.

At a sitting of the Native Land Court of New Zealand, held at Uawa, Tolago Bay, in the said district, on the 5th day of July, 1876, before J. Rogan, Esq., Judge, and Hone Peeti, Assessor.

It was ordered that a memorial of the ownership of Rutene Kuhu Kuhu, Atareta Maitai, Pirika Kaara, Hepeta Maitai, Pipi Kuhu Kuhu, Hepata Maitai (minor), Hirini Maitai (minor), Harata Aratapu,

* Ngatawakawaka, Puremungahua, Matatuotonga.

Henare Potae, Hana Kaara, Mere Inoi, and Ruruhira Manutuke, of a parcel of land at Uawa, in the district aforesaid, containing 2,890 acres, and known by the name of Puremungahua, be inscribed on a separate folium of the Court rolls.

Witness the hand of J. Rogan, Esq., Judge, and the Seal of the Court, the 21st day of July, 1876.
J. ROGAN, Judge.

COPY of MINUTE entered at Page 79, Uawa Deposition Book, Vol. II.

A DEED of sale of a block of land situated in the District of Hawke's Bay, called Puremungahua containing 2,890 acres, by the Native owners, by Robert Cooper, for the sum of £289, has been brought before me this day, and the principal vendors, Hepeta Maitai, Rutene Kuhu Kuhu, and Piripi Kaara, have acknowledged the sale.—J. ROGAN.—20th July, 1876.

NATIVE LANDS ACTS, 1873-74.

District of Hawke's Bay, }
Province of Auckland. }

MATATUOTONGA BLOCK.

At a sitting of the Native Land Court of New Zealand, held at Uawa, Tolago Bay, in the said district, on the 5th day of July, 1876, before J. Rogan, Esq., Judge, and Hone Peeti, Assessor. It was ordered that a memorial of the ownership of Hepeta Maitai, Henare Ruru, Atareta Maitai, Hakiaka Tipoka, Apirana Parekata, Hera Rangiuia, and Ema Maitai, of a parcel of land at Uawa, in the district aforesaid, containing 1,385 acres, and known by the name of Matatuotonga, be inscribed on a separate folium of the Court rolls.

Witness the hand of J. Rogan, Esq., Judge, and the Seal of the Court, the 21st day of July, 1876.
J. ROGAN, Judge.

COPY of CERTIFICATE entered at Page 79, Vol. II., Uawa Deposition Book.

A DEED of sale of a block of land situated in the District of Hawke's Bay, called Matatuotonga, containing 1,385 acres, has been produced before me, and the principal vendors have acknowledged the sale to Robert Cooper.—J. ROGAN.—20th July, 1876.

Mr. J. A. WILSON to the UNDER SECRETARY, Native Department.

SIR,—

Land Purchase Office, Gisborne, 29th July, 1876.

I have the honor to forward attached a copy of a letter addressed by me to Mr. Locke, as District Officer, informing him on the 10th of March last that Government had purchased and surveyed Ngatawakawaka and Matatuotonga Blocks at Uawa, informing him also of the names of the principal Natives interested in those blocks, in order that he might guard public interests in Court. I have also to state that on the 14th March I informed Mr. Locke, in my letter No. 316, that Puremungahua was upon my list of blocks; and again, Puremungahua appears upon the list of lands passing through this office, in my schedule to him as District Officer, No. 343.

I have, &c.,

J. A. WILSON,

Land Purchase Officer.

H. T. Clarke, Esq., Under Secretary, Native Office,
(Land Purchase Branch), Wellington.

Mr. J. A. WILSON to Mr. LOCKE, R.M.

SIR,—

Land Purchase Office, Gisborne, 10th March, 1876.

I have the honor, in accordance with your request made yesterday, to furnish the enclosed schedule containing the names of several blocks I have purchased, the same being surveyed, and the hearing of which has long been applied for. Also, to each block is appended the list of names you asked for, being those of principal Natives who have dealt with the Government.

I have, &c.,

J. A. WILSON.

S. Locke, Esq., District Officer, Gisborne.

EXTRACT from LIST of BLOCKS appended to Letter No. 307-76.

NGATAWAKAWAKA, Hera Rangiuia, Matatuotonga, Henare Ruru, Hepeta Maitai.

J. A. WILSON.

No. 22.

Uawa, 29 Hanuere, 1875.

HE pukapuka whakaatu tenei i taku hoko ki a Hoani Wirihana, Komihana hoko whenua mo te Kawanatanga taku whenua katoa ki roto o Uawa ko Ngatawakawaka te ingoa, ka timata te rohe ki te Rimututahi ka rere ki roto ki te awa ki Mangaopiha, ka haere ra roto o taua awa ka tae ki te Akahiaiti a te Akahiarahi, Tangihanga te Pahi a Houtakitaki, Ngapunaru ka tutuki ki te Rimututahi. Ko tenei whenua kua oti te hoko e au ki te Kawanatanga ko te utu e rua hereni mo te eka maku ano e arahi te kai ruri ki runga i tenei whenua whakaatu ai i nga rohe katoa ki a ia maku ano tenei whenua e whakaputa ki te Kooti Whakawa Whenua Maori e hoatu pai ki te ringaringa o te Kawanatanga, a kua riro mai ki ahau i tenei ra i a Hoani Wirihana e rua tekau ma rima pauna moni ki runga i nga tikanga o tenei hoko.

Witnesses—

HORI MOKAI,
HENARE RURU, Kaititiro.
C. W. WILSON.

HERA RANGIWIA,
HAE RANGIWIA,

[TRANSLATION.]

Uawa, 29th January, 1875.

THIS is to state that I have sold to Mr. John Wilson, Land Purchase Commissioner for the Government, all my land in Uawa, called Ngatawakawaka, the boundaries of which commence at Te Rimututahi thence into the Mangaopiha Stream, and through it to Akahiaiti, Akahiarahi, Tangihanga Te Pahi a Houtakitaki; thence to Ngapunarua, and meets again at Rimututahi. I have sold this land to the Government for two shillings per acre, and I am to show the surveyor all the boundaries, and I undertake to have this land passed through the Native Lands Court, and give the Government a clear title to it. In consideration of which I have this day received from Mr. John Wilson, the sum of twenty-five pounds.

Witnesses—

HORI MOKAI,
HENARE RURU.
C. W. WILSON.

HERA RANGIWI,
HARE RANGIWI.

No. 23.

Turanga, 5 PePURE, 1875.

HE pukapuka whakaatu tenei ki nga tangata katoa i to matou hoko ki a Hoani Wirihana—Komihana hoko whenua mo te Kawanatanga i to matou whenua katoa ki te takiwa ki rato o Uawa, te ingoa o taua whenua ko Matatuotonga te utu mo taua whenua e rua hereni mo te eka kotahi, kua riro mai ki a matou i tenei ra kotahi te kau pauna ki runga i te tikanga o tenei hoko ma matou e whakaputa tenei whenua i te Kooti Whakawa Whenua Maori e hoatu pai ki te ringaringa o te Kawanatanga, ma matou e whakaatu i nga rohe o tenei whenua ki te kai ruri o te Kawanatanga.

Kaititiro—

PAORA PARAU.

HENARE RURU,
HEPETA MAITAI.

[TRANSLATION.]

Turanga, 5th February, 1875.

THIS is to inform all people of our sale to Mr. John Wilson, Land Purchase Commissioner, for the Government of all our land in the District of Uawa called Matuotonga for the sum of two shillings per acre. In consideration of which we have this day received the sum of ten pounds, and we undertake to have this land passed through the Native Lands Court, and give the Government a clear title to it. We will point out the boundaries to the surveyor of the Government.

Witness—

PAORA PARAU.

HENARE RURU,
HEPETA MAITAI.

No. 24.

Turanga, 22 PePURE, 1875.

HE pukapuka whakaatu tenei ki nga tangata katoa i to matou hoko ki a Hoani Wirihana—Komihana hoko whenua mo te Kawanatanga i to matou whenua katoa ki roto o Uawa, te ingoa o taua whenua ko Pūremungahua te utu mo taua whenua kotahi rau pauna mo te mano eka kotahi nga rohe o taua whenua kei te Ita (East) ko te rohe ruri hou o te Ropihana i mahia e te Heparā ko te rohe ki te Nota (North) kei te whenua kua oti te hoko e te Kawanatanga ko Matatuatonga te rohe ki te Weta (West) kei Paraheka kua pau te hoko ki te Kawanatanga te rohe ki te Tonga (South) kei Arakihi, kua oti hoki te hoko ki te Kawanatanga. Ma matou tenei whenua e whakaputa pai mai i te Kooti Whakawa—Whenua Maori e hoatu pai ki te ringaringa o te Kawanatanga ma matou nga rohe o tenei whenua e whakaatu ki te kai ruri o te Kawanatanga ana haere ia ki reira ki te ruri i tenei whenua ina hoki te mapi o tenei whenua.

Na kua riro mai ki a matou i tenei ra e rua tekau ma rima pauna moni ki runga i te tikanga o tenei hoko whenua.

Kai titiro—PAORA PARAU.

RUTENE KUHUKUIHU.
HEPETA MAITAI.
EMA MIROMIRO.
ATARETA MIROMIRO.
HANA KARA.

[TRANSLATION.]

Turanga, February 22, 1877.

THIS is a document shewing all menthat we have sold all our land situate at Uawa, known by the name of Pūremungahua, to Mr. John Wilson, Government Land Purchase Commissioner, at the rate of one hundred pounds per thousand acres. The boundaries of that land are—on the East, Ropihana's new survey executed by Te Heparā; the Northern boundary is Matatuatonga, which has been sold to the Government; the Western boundary is at Paraheka, which has been sold to the Government; the Southern boundary is at Arakihi, that also has been sold to the Government. We will pass this land through the Land Court, and hand it over to the Government with a clear title. We will point out the boundaries of this land to the Government Surveyor when he goes thither to make the survey in accordance with the plan of that land. In consideration of which we have this day received from Mr. J. Wilson the sum of five hundred pounds.

No. 25.

Mr. J. A. WILSON to Mr. H. T. CLARKE.

(Telegram.)

Gisborne, 24th July, 1876.

Re te Marunga, April, 1875. I asked Judge Rogan, out of Court, to name a time when it would be convenient to Court to pass that Block to Government under clauses 59, 60, and 61 of "The Native

Lands Act, 1873. He replied it could not be done until time for appeal—seven months—had elapsed I remarked the township proper, Tolago, had passed so. He answered, “Yes, but, on reflection, I have determined not to pass any more such cases until seven months after judgment.” I said—“At all events, I can receive your reply from the Bench.” The Judge begged me not to take that course, and I refrained, against my better judgment, because I desired to work smoothly with the Court. Notwithstanding the foregoing, however, the same Judge has, without delay, ordered grants for Robert Cooper under said clauses upon lands purchased by me, and proclaimed under 42nd clause—namely, Ngatawaka-waka, Matatuotonga, and Puremunga-hua. I am informed Mr. Campbell, R.M., attested the signatures, and Mr. Ferris interpreted deeds on 13th instant. The Native owners’ agreements to the Crown for said land are attested, and all contain covenants to convey to the Crown after passing the Court. I attach little importance to this unusual action of Judge Rogan if the issue of grants to Cooper is prevented, as I shall go to Tolago when furnished with an attesting Resident Magistrate, and complete the title to the Queen. I request that the legitimate action of this department may be upheld.

J. A. WILSON.

H. T. Clarke, Esq., Under Secretary,
Government Buildings, Wellington.

No. 26.

Turanga, 21 Hurae, 1876.

HE pukapuka whakaatu tenei ki nga tangata katoa i hoko matou i to matou whenua i Matatuotonga ki a Hoani Wirihana Komihana hoko whenua mo te Kawanatanga.

No te rima o nga ra o Pepuere, 1875, i hoko ai te utu mo taua whenua e rua hereni mo te eka kotahi. Nga rohe o taua whenua koia ena, ka oti te ruri e te Kawanatanga nga eka o taua whenua 1,385.

Na i ki matou i taua ra i te rima o Pepuere 1875, ma matou e whakaputa tenei whenua i te Kooti Whakawa Whenua Maori, e hoatu pai ki te ringaringa o te Kawanatanga a no te mea kua puta pai mai tenei whenua i te Kooti ki a matou, ka tuku pai atu i tenei whenua ki te Kuini ki runga i nga tikanga katoa o te Ture e au, maua ko taku iwi ana homai e te Wirihana Komihana hoko whenua mo te Kawanatanga i te pukapuka whaka-tuturu taua whenua ki te Kuini kia tuhituhia e au e matou katoa nga tangata kua tau ki roto i te pukapuka whakatau o te Kooti mo taua whenua i o matou ingoa ki taua pukapuka whakatuturu ki te Kuini.

HEPETA MAITAI.

Witness to signature—W. K. NESBITT, R.M., 21st July, 1876.

[TRANSLATION.]

Tauranga, 21st July, 1876.

THIS is a document showing all men that we sold our land, Matatuotonga, to Mr. John Wilson, Government Land Purchase Commissioner, on the 5th day of February, 1875. We sold this land, and the price per acre was two shillings. The boundaries of that land are those included in the Government survey, and the number of acres contained therein are 1,385. And we agreed on the said day, the 5th February, 1875, to pass this land through the Land Court and hand it over to the Government free of all restrictions whatever. And whereas the Land Court has awarded that land to us, therefore we agree to sign and execute a proper conveyance of that land absolutely to the Government and the Queen, at such time as Wilson shall have prepared the proper form of conveyance for any signature and the signatures of the whole of the tribe whose names have been included in the memorial of the Court.

HEPETA MAITAI.

Witness to signature—W. K. NESBITT, R.M., 21st July, 1876.

No. 27.

Turanga, 21 Hurae, 1876.

HE pukapuka whakaatu tenei ki nga tangata katoa i taku i ta matou hoko i to matou whenua i Puremunga-hua takiwa o Uawa ki a Hoani Wirihana Komihana hoko whenua mo te Kawanatanga.

No te 22 o nga ra o Pepuere 1875 tenei whenua i hokoa ai ki te Kawanatanga ara ki te Kuini, te utu mo taua whenua e rua hereni mo te eka kotahi nga rohe o taua whenua kua oti te ruri e te Kawanatanga. Na i ki matou i taua 22 o nga ra o Pepuere 1875, ma matou tenei whenua e whakaputa pai mai tenei whenua i te Kooti Whakawa Whenua Maori, e hoatu pai ki te ringaringa o te Kawanatanga, a no te mea kua puta pai mai tenei whenua ki a matou ka tuku pai atu tenei whenua ki Te Kuini ki runga i nga tikanga katoa o te ture, e au, e matou ko taku iwi, ana homai e te Wirihana te pukapuka whakatuturu o taua whenua ki Te Kuini kia tuhituhia a matou ingoa e au, e matou katoa.

HEPETA MAITAI.

Witness to signature—W. K. NESBITT, R.M.—21st July, 1876.

[TRANSLATION.]

Turanga, 21st July, 1876.

THIS is a document showing all men that I and my tribe have sold our land at Puremunga-hua, in the district of Uawa, to John Wilson, a Land Purchase Commissioner, on behalf of the Government.

On the 22nd day of February, 1876, we sold this land to the Government and to the Queen. The price of this land is to be two shillings per acre. The boundaries of this land have been surveyed by Government.

Now, we said on that 22nd day of February, 1875, that we would pass this land satisfactorily through the Land Court, and hand it over without restrictions to the Government; and whereas this land has been fully awarded to us, therefore we, myself and my tribe, make it over to the Government absolutely, in accordance with the laws made and provided, whenever Mr. John Wilson, on behalf of the Queen, will give us a proper and legal document wherein to sign our names.

HEPETA MAITAI.

Witness to signature—W. K. NESBITT, R.M.—21st July, 1876.

No. 28.

Mr. H. T. CLARKE to Mr. J. A. WILSON.

(Telegram.)

Government Buildings, Wellington, 27th July, 1875.

No. 139. *Re* your telegram, granting of land to Cooper, upon which Government have paid deposit and proclaimed under 42nd clause Immigration and Public Works Act, I fail to see how it can be done, inasmuch as all the power the Judge has is to recommend the Government to issue grant. I have, however, referred your telegram to Judge Rogan, in Napier.

J. A. Wilson, Esq., Gisborne.

H. T. CLARKE.

No. 29.

Mr. GILL to Mr. J. A. WILSON.

(Telegram.)

Wellington, 15th August, 1876.

No. 482. *Re* your minutes on payment-vouchers purchase of Puremungaahua and Matatuotonga Blocks, the Hon. Native Minister requests you will furnish as early as possible a concise report of these purchases from your first entering into negotiation for them up to present time, including judgments of Court, in order that the opinion of the Law Officer may be taken thereon. In the meantime it would be better not to make any further payments on them until an opinion has been given.

RICHARD JOHN GILL,

(for Under Secretary).

J. A. Wilson, Esq., Gisborne.

No. 30.

Mr. J. A. WILSON to Mr. S. LOCKE.

SIR,—

Land Purchase Office, Gisborne, 10th March, 1876.

I have the honor, in accordance with your request made yesterday, to furnish the enclosed schedule containing the names of several blocks I have purchased, the same being surveyed, and the hearing of which has long been applied for. Also, to each block is appended the list of names you asked for, being that of principal Natives who have dealt with the Government.

I have, &c.,

S. Locke, Esq., District Office, Gisborne.

J. A. WILSON.

Parariki.—Henare Ruru, Rutene Kuhukuhu, Hepeta Maitai, Henare Potae.

Arakihi.—Henare Ruru, Hepeta Maitai, Katerina Mana.

Ngatawakawaka.—Hera Rangiua.

Matatuotonga.—Henare Ruru, Hepeta Maitai.

Waimata West.—Paora Parau, Karepa Kautuku, Atareta Ruru.

Tauwhareparae.—Henare Potae, Peka Marotiri, Pita Houao.

Waihora.—Nepia Tokitahi, Wi Mahuika, Paora Parau.

No. 31.

Mr. J. A. WILSON to Mr. S. LOCKE.

SIR,—

Land Purchase Office, Gisborne, 14th March, 1876.

I have the honor to forward enclosed, for your information, a schedule of the names of all the blocks in this district, applications for the hearing of which have been made by the Natives to the Native Land Court through this office. The dates of the posting of the applications are also given.

I have, &c.,

S. Locke, Esq., District Office, Napier.

J. A. WILSON,
Land Purchase Commissioner.

SCHEDULE of Blocks for which Applications for Hearing have been forwarded to the Chief Judge,
Native Land Court, Auckland.

Name of Block.	Date of Posting.	Name of Block.	Date of Posting.
1. Mangarara No. 2	September 14, 1875.	17. Parariki	November 15, 1875.
2. Mangarara No. 2	„ 14, „	18. Pirauau	„ 15, „
3. Ngatawakawaka	„ 14, „	19. Puremungahua	„ 15, „
4. Waimata West	„ 22, „	20. Arakihi	„ 15, „
5. Puremungahua	October 2, „	21. Matatuotonga	„ 15, „
6. Pirauau	„ 6, „	22. Hauturu	„ 29, „
7. Tatarahako	„ 12, „	23. Tahoranui-a-Tukehu	„ 29, „
8. Tauwhareparae	„ 18, „	24. Tatarahake	„ 29, „
9. Parariki	„ 18, „	25. Mangarara No. 2	„ 29, „
10. Huiarua	„ 18, „	26. Rangikohua	„ 29, „
11. Waimata West	„ 18, „	27. Waihora	December 1, „
12. Waihora	„ 30, „	28. Waimata South	„ 7, „
13. Patu-te-Kauapu	November 1, „	29. Te Paritu	„ 14, „
14. Waimata East	„ 1, „	30. Tahararoa	„ 44, „
15. Ngatawakawaka	„ 15, „	31. Ngawhakatatara	„ 14, „
16. Paraheka	„ 15, „	32. Pirauau	„ 17, „

J. A. WILSON.

No. 32.

Mr. J. A. WILSON to Captain PORTER.

SIR,—

Land Purchase Office, Gisborne, 16th August, 1876.

Referring to the last Native Land Court at Tolago, in regard to which you lately informed me that you had been appointed to act, and had acted as District Officer, I have the honor to ask you to be good enough to state whether the Court was aware, or whether you informed the Court, that the Blocks Puremungahua, Matatuotonga, and Ngatawakawaka were lands that had been purchased and surveyed by Government; also, in regard to said blocks, whether objections were raised by you to the indorsement by the Court in favour of Robert Cooper upon the orders for memorial of ownership, to the receipt of duty by the Native Land Court from R. Cooper, and to the receipt of survey money.

I have, &c.,

J. A. WILSON,

Land Purchase Officer.

Captain Porter, Tolago.

No. 33.

Captain PORTER to Mr. J. A. WILSON.

SIR,—

Militia Office, Gisborne, 17th August, 1876.

I have to acknowledge the receipt of your letter of yesterday's date, No. 470-76.

Puremungahua, Matatuotonga, and Ngatawakawaka lands passed the Native Land Court, Tolago Bay, on the 5th, 6th, and 7th July ultimo, and I was not present at the Native Land Court till 8th of that month. I cannot therefore state whether the Court was aware of these blocks being Government land purchases. I can only say that during my attendance as Acting District Officer, I informed the Court the nature of each block brought before it.

I am ignorant of the circumstances attending Mr. R. Cooper's purchase of these lands as I left Tolago on the 15th, and I understand his action was taken about the 19th or 20th July. If I had been present I should have deemed it my duty as a Government servant to obstruct him and protest against the transaction.

I have, &c.,

T. W. PORTER,

Captain, Adjutant.

J. A. Wilson, Esq., Land Purchase Commissioner, Gisborne.

No. 34.

Mr. J. A. WILSON to Dr. NESBITT.

SIR,—

Land Purchase Office, Gisborne, 21st July, 1876.

I have the honor to state that I have reason to believe that certain documents will be submitted for your approval, as deeds of conveyance for three blocks of land in the District of Tolago—namely, Ngatawakawaka, Matatuotonga, Puremungahua. As these blocks are proclaimed under the 42nd clause of "The Immigration and Public Works Act, 1871," in the *New Zealand Gazette* of the 4th May last, and the lands have been most publicly sold to the Crown under the Immigration and Public Works Act, to which Acts I have invited your attention; as also the representative Natives of the hapus interested have received moneys, and have executed agreements to convey to the Crown when the land shall have passed the Native Land Court; and as I am prepared to perform my part in the transaction as soon as I can gain the attendance at Tolago of an attesting Resident Magistrate; therefore I deem it my duty most respectfully to request you, as Trust Commissioner, not to approve or pass such deeds, as to do so would prejudice the just rights of the Crown, and would seem to countenance fraudulent practices in the eyes of the Natives.

I have, &c.,

J. A. WILSON,

Land Purchase Officer.

Dr. Nesbitt, Trust Commissioner, Gisborne.

MINUTE ON ABOVE.

MR. CLARKE,—

I forward this for the information of Government, and as a record. It was written before I was aware of the action of Judge Rogan *re* these blocks at Tolago on the 20th instant.

25/7/76.

J. A. WILSON.

No. 35.

Gisborne, 16th August, 1876.

I, EDWARD ROBSON, of Tolago Bay, do solemnly and sincerely declare that, in reference to certain blocks of land in that district known as Puremungahua, Ngatawakawaka and Matatuotonga, it was most publicly known by the Europeans and Natives at the time of the late Land Court at Tolago, and for many months previously, that they had been purchased from the Natives by the Government Agent, Mr. Wilson, and that advances of money had been paid upon them; and I make this declaration sincerely believing the same to be true, and by virtue of an Act and of all Acts me thereunto empowering.

EDWARD ROBSON.

Declared before me this 16th August, 1876—

W. NESBITT, R.M.,

A Justice of the Peace for New Zealand.

No. 36.

I, ALFRED TEESDALE, do solemnly and sincerely declare that I have lived at and near the District of Tolago during the last fifteen months, during which period I have followed my profession as a surveyor. That it has been for some time a matter of general notoriety in the District of Tolago that certain blocks of land there, known as Puremungahua, Ngatawakawaka and Matatuotonga, were surveyed by the Government, that the Government was in treaty for them, and had claims upon said blocks; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act and of all Acts me thereunto empowering.

ALFRED TEESDALE.

Declared before me this 25th August, 1876—

AND. GRAHAM, J.P.,

A Justice of the Peace for the Colony of New Zealand.

No. 37.

Mr. J. A. WILSON to Mr. H. T. CLARKE.

(Telegram.)

Gisborne, 19th September, 1876.

Re Mangarara No. 2, Judge Rogan ordered the Deputy Inspector of Surveys yesterday to complete the survey of Uawa No. 1, at Tolago. This is the survey execution of which within twelve months was the condition of Judge Munro's interlocutory order, 24th November, 1873. This treating the lapsed order as if it had not lapsed appears so closely allied to upholding its validity, that I report the same without delay as likely to affect Government interests unfavorably in Mangarara No. 2.

H. T. Clarke, Under Secretary.

J. A. WILSON.

No. 38.

Mr. J. A. WILSON to Mr. H. T. CLARKE.

SIR,—

Land Purchase Office, Gisborne, 30th September, 1875.

I have the honor to forward, for the information of the Hon. the Native Minister, the enclosed list of errors in names of trustees and trusts for Motu Block.

It will be seen that although the number of persons interested according to the certified list of the Native Land Court is 123, yet the errors of repetition, of re-repetition, and other errors, such as writing two names into one, when eliminated, reduce the number of persons actually interested to 97.

Similar mistakes have crept into Te Marunga, and private agents inform me that the same thing is a source of continual anxiety to them.

That a mode of conducting public business so heedless should obtain in the branch of the Native Land Court at this place appears to me to be fit subject of regret, being unbusinesslike, and causing unnecessary labour and risk at the present time; also as a matter for apprehension, in incurring the possibility of future claims under the duplicate or triplicate names.

I have to state that I would cheerfully have assisted to prevent such serious mistakes; and, that prompted by a feeling of duty, I more than once endeavoured to do so in the most respectful manner.

For the sake of the Court, I refrain from repeating the gratuitous remarks that the Court addressed to me on two occasions; suffice it to say I was not permitted to guard against these errors.

I have, &c.,

J. A. WILSON,

Land Purchase Commissioner.

H. T. Clarke, Esq., Under Secretary, Native Office,
Land Purchase Branch.

LIST OF NAMES Erroneously Inserted in Award of the Native Land Court for Motu.

No.	Names Inserted.	Repetitions Inserted.
1	Te Rangikohera	Rangikohera.
2	Mereana Paraone	Mereana Paraone.
3	Wiremu Kingi Tutehuarangi	*Wiremu Kingi te Huarangi.
4	Te Otini te Waka	*Te Otene te Waka.
5	Aporo Matahuata	Aporo te Matahuata.
6	Arapera Tautahi	*Arapera Pere.
7	Ripeka Paringa	Ripeka Paringa.
8	Paora Haupa	Paora Haupa.
9	Erena Parewhai	Erena Parewhai. *Erena Uenuku.
10	Hohepa Tahataha	*Hohepa Tata.
11	Hera Hokokau	*Kohua Hokopau.
12	Hohepa Paione	*Hohepa te Raura.
13	Emeri Pakitea	*Hemera Pakitea.
14	Pataromu Noti	*Patoromu Noati.
15	Atareta Ruru	*Atareata Ruru.
16	Ihaia Waihopi	Ihaia Waihopi. *Ihaia Tuterangiwhaitiri.
17	Wi Mahuika	Wi Mahuika.
18	Tipene Tutaki	*Tipene Pepeha.
19	Te Ira Ranginui	*Teira.
20	Katerina Pahoho	*Kaphoho.
21	Rereira te Puia	*Te Puia.
22	Hinei Whakamana	*Hinei Whakamana.
23	Te Hira Wahanui	*Te Hira Parekowhai.
24	Hetaraka te Kani repeated, in the name of Te Kani Riwa	Riwa Hinerangi; the whole being called Hinerangi.

* Denotes difference in spelling, or the insertion of another name in lieu thereof.

NAMES OF NATIVES Erroneously Written.

No.	True Name.	Written Name.
25	Rawiri Makawe	Rawiri Makoare.
26	Harata Ahua	Harata Ahana.
27	Hopa Tiakiwhare	Hohepa Tiakiwhare.
28	Te Hira Wahanui	Te Hira Whanui.

J. A. WILSON,
Land Purchase Commissioner.

Land Purchase Office, Gisborne, 22nd September, 1875.

Copy of List of Owners of Motu Block, registered in the Native Land Court Office, Auckland, taken from List attached to Motu Papers.

Te Manehera Maiki.	Hohua Parekowhai.	Erena Parewhai.
Te Rangikohera.	Karaitiana Ruru.	Hami te Hau.
Mereana Paraone.	Eruera te Awahaku.	Hohepa Tahataha.
Wiremu Kingi Tutehuarangi.	Te Ira Ranginui.	Ripeka Paringa.
Te Otini te Waka.	Mere Wakaua.	Tipene Tutaki.
Aporo Matahuata.	Noko.	Te Otene Pomare.
Rihimona te Tau.	Piripi te Awariki.	Matenga Tukareao.
Panapa Waihopi.	Matiu te Hemoahiahi.	Oriwia te Hineoki.
Aperahama Tutoko.	Te Komaru.	Teira Rongonui.
Arapera Tautahi.	Merihi Tarangore.	Peti Morete.
Atareta Ruru.	Aporo Pairata.	Harata Ahana Ahua.
Wi Mahuika.	Heteraka Matahuata.	Tamati te Rangituawaru.
Hohepa Paione.	Te Wikiriwhi Uenuku.	Paora Haupa.
Erena Uenuku.	Heni Hinepuhi.	Ihaia Waihopi.
Hemi Kehukehu.	Riria Mauwaranui.	Te Puia.
Arapeta Putiki (Putuki).	Hemera Pakitea.	Emeri Pakitea.
Katerina Pahoho.	Wiremu Horonga.	Te Kani Riwa Hinerangi.
Romana Tautari.	Heni te Whakaetenga.	Heni Henerangi.
Ruka te Kahika.	Hemi te Awahaku.	Kihitu.
Wharetotara.	Wi Paraone.	Wiremu Kingi te Huarangi.
Wiremu Pere.	Mihiterina te Ua.	Mereana Paraone.

~~Hehepa Waikore.~~
~~Meri Wheto.~~
~~Te Whawhatu.~~
~~Rewiri te Uane (dead).~~
~~Rawiri Noti.~~
~~Tipene Pepcha or Tutaki.~~
~~Mere Tiwata.~~
~~Mere Karaka (dead).~~
~~Raiha Weherua.~~
~~Hehepa Tiakiwhare.~~
~~Patore te Rangaeki.~~
~~Hiria te Ho.~~
~~Hinei Whakamana.~~
~~Karepa Kautuku.~~
~~Mihiterina Waikohua.~~
~~Karauria te Ua.~~
~~Mata Parerata.~~
~~Ihaia Tuterangiwhaitiri.~~
~~Te Hira Whanui Wahanui.~~
~~Kereama Rere.~~

August 12, 1875.

~~Mahaki.~~
~~Hehepa Tata Tahataho.~~
~~Hetekia te Kani.~~
~~Heni te Auraki.~~
~~Pimia Hata.~~
~~Te Otini Pitau.~~
~~Hemaima Rere.~~
~~Patehepa.~~
~~Patoromu Noti.~~
~~Tuhura Ruru.~~
~~Eruera Maranga.~~
~~Rawiri Titirangi.~~
~~Reroira te Paia.~~
~~Kohera Hokopau.~~
~~Mere Whaki.~~
~~Heni Taua.~~
~~Ani te Puaroa.~~
~~Huhana Matarae.~~
~~Kapaho.~~
~~Rawiri Noati.~~

~~Rangikohera.~~
~~Tipene Tutaki.~~
~~Apero te Matahuata.~~
~~Arapera Pere.~~
~~Atarata Ruru.~~
~~Erena Parowhai.~~
~~Te Otene te Waka.~~
~~Hehepa te Rama.~~
~~Hera Hokokau.~~
~~Patoromu Noati.~~
~~Wakarau.~~
~~Ripeka Paringa.~~
~~Te Hira Parekowhai.~~
~~Heteraka.~~
~~Hetariki te Oikau.~~
~~Rawiri Makoare (Makawe).~~
~~Wi Mahuka.~~
~~Ihaia Waihopi.~~
~~Paora Haupa.~~
~~Ka te Hani.~~

E. WOON.

No. 39.

[From *Poverty Bay Standard*, 4th September, 1876.]

NOTICE.

A SITTING of the Native Land Court will be holden at Makaraka, on Tuesday, the 10th October, at 11 a.m., for the purpose of hearing the application of Panapa Waihopi and others, relative to Waingaromia No. 2, and other business.

Native Land Court Office, Gisborne,
 25th September, 1876.*

J. ROGAN,
 Judge, Native Land Court.

PANUITANGA.

HEI te Turei te 10 o nga ra o Oketopa tu ai te Kooti Whakawa Whenua Maori ki Makaraka ki te whakarongo i te tono a Panapa Waihopi raua ko Hone Kewa mo Waingaromia No. 2.

Tari o te Kooti Whakawa Whenua Maori, Tauranganui,
 Hepetema 25, 1876. †

NA TE ROKENA,
 Kai Whakawa.

No. 40.

(See *Kahiti*, No. 14, 8th June, 1876.)

(Containing Notice of hearing of Tauwharepare, &c.)

No. 41.

E HOA E HONE WARIHANA,—

Tenei taku ki a koe, ko koe hei tiaki i taku tamaiti i runga i te Ture Kawanatanga.

Ko te Ingoa ko Eruera Te Awahaku i tae au ki te Kooti i te tunga o te Kooti ki Turanga kaore i mana mai.

E te Makarini mau e whakaae mai kia tu te take mo te moni o Motu, ma korua ko Hone Wirihana e whakaae mai i runga i te ture o te Kawanatanga.

HEMI TE AWAHAKU.

[TRANSLATION.]

O FRIEND, MR. J. A. WILSON,—

This is my word to you. I wish to be appointed the lawful guardian of my child in accordance with the Native Lands Act.

The name (of the child) is Eruera te Awahaku.

I made an application to the Court when it was sitting at Turanga, but the Court did not honor my application.

O, Mr. McLean, do you consent that the Court shall act, because the purchase money for Motu, which land has been bought by Mr. J. A. Wilson, is only payable in accordance with the law.

HEMI TE AWAHAKU.

On receipt of this letter I went to Judge Rogan and showed it to him, and represented to him the Native's case—how, after obtaining information from the Clerk of the Court, he had appeared in Court, &c. I also urged the hardship to the Government in this and other cases where money has been paid on claims of succession, or where money has to be paid to complete interests, some of them being of considerable magnitude.

Mr. Rogan said that it was no use my sending this letter to Sir Donald McLean, as he would only return it to him (Mr. Rogan); that the case would be attended to when next he had an opportunity.

J. A. WILSON.

* This case was heard on 3rd instant, without notice.

† Change in date in papers.

No. 42.

NATIVE LAND COURT.

[Extract from *Poverty Bay Standard and People's Advocate*, Saturday, 2nd September, 1876.]

THE following was kindly forwarded to us by Judge Rogan:—

A meeting of this Court was held at Uawa, Tolago Bay, on Wednesday, the 30th August, 1876.

Present: Judge Rogan (presiding), E. Murphy, Esq., J.P., Wi Pere, Henare Potae, Karauria Pahura, Paora Parau, Tuta Niha Niha, and others.

Judge Rogan then addressed the meeting as follows:—

What I have to say is in reference to the cause which has induced me to come here, bringing with me chiefs from Turanga, and inviting chiefs of Uawa to attend. I shall refer to my main reason presently; what I have to say now has reference to the blocks called Waingaromia No. 2, and Tuakau. Henare Potae was present at the first Court held in Uawa. He was also present at Wai-o-matatini when the title to Tuakau was being investigated. The Court gave a decision for a portion of this block. No decision has yet been given to another portion of this block (Tuakau), although the evidence relating to it is completed. The reason for this is that Henare Potae, who is a claimant to that block, asked the Court not to give a decision until the evidence to Waingaromia No. 2, and Tauwhareparae, had been taken, he (Henare Potae) being a claimant in both these blocks. The Court, considering the proposal to be a reasonable one, agreed to adopt that course. I have since changed my mind as regards this proposal of Henare Potae's, and for this reason: Since I last left here, and when at Waipawa, I was advised by the Government that Mr. Commissioner Wilson had preferred charges against me, and that the Government had decided not to lay that paper before Parliament until I had been heard in the matter. I have communicated both with Sir Donald McLean and Mr. Clarke on the subject, and said that, by replying to these charges, I should be anticipating the decision to a large extent of country upon which evidence had been taken on the East Coast. I have had no reply from either of these gentlemen; and I have considered it but fair to the Natives interested to come here and indicate the decision of the Court before making it public. I now say that, although I concur in this decision, it is more Hoani Peeti's (the Native Assessor's) than mine. After the investigation of Tuakau had been completed, the Assessor remarked to me that, having heard Henare Potae's evidence as regards Tuakau, and having heard what he had to say at the Uawa Court, as regards his claim to Waingaromia No. 2, he was clear that Henare had no right to either of the blocks, but that Tuakau belonged to Tuta Nihaniha, Hoani, and those with them, and that Waingaromia No. 2 belonged to Pita te Huhu and those with him.

The decision of the Court will, therefore, be as I have indicated. We are quite clear that Henare Potae has no right to either of the blocks in question. Tuakau is decided. I cannot, however, say that this indicates what the final decision in Waingaromia No. 2 will be, because Tama ki te Rangī, who is a claimant, has not yet been heard.

No. 43.

MR. T. HEALE to Judge ROGAN.

[Printed from a copy.]

SIR,—

Gisborne, 24th February, 1875.

It is clear that the surveys in this district have been carried on in entire disregard of the provisions of the existing law; but as it is of the utmost importance that no impediment should be thrown in the way of passing through the Land Court the numerous claims that have been sent in for adjudication, the only consideration now is to reconcile the facts as they stand with the law, and at the same time to secure that certainty of boundaries, which is essential to the avoidance of future disputes and litigation.

"The Native Land Act, 1873," provides that before any claim shall be investigated a survey of such land shall have been made; that the survey shall be made under the immediate control of the Inspector of Surveys, by surveyors to be from time to time authorized in writing by him for the purpose. And the Act clearly contemplates that the surveys shall be made at the expense of the Government in the first instance, the cost to be repaid by the Native claimants. Now, instead of all this, a great number of surveys have been made in the district without any authorization.

Some of the maps of these surveys have been sent in to my office, where they have been collated together as well as circumstances would admit, but many are now produced at the sitting of the Court for the first time. In many of these maps errors, and in some instances overlaps, have been shown to exist; some are so badly drafted that they ought not to be received as finished maps; and so much risk of error at the least hangs on them, that it is out of the question for me to accept the responsibility of adopting them; therefore it will be impossible now to complete the cases of the claimants by certificates of title, or by enrolling memorials of ownership.

The course, then, which I propose to adopt, subject to the sanction of the Hon. the Native Minister, is this: I have appointed as my deputy in the district Mr. Horace Baker, and I have caused a trigonometrical survey to be instituted by him. This will be carried forward with the greatest possible expedition, and as each station is fixed all adjacent points in the block surveys will be closed with them, by which a perfect check will be established on the general accuracy of the larger surveys, and the means will be afforded of collating the whole with accuracy on a general map. In all cases where the survey of claims by private surveyors fairly stands this test I propose to accept and certify them as required by the Act, and so *ipso facto* to make them official acts of my department.

Should any cases occur in which the errors or defects of the surveys are so considerable that they cannot be remedied except by a new survey, such re-survey will be made by the officers of my department, and in those cases it will be necessary for me to call upon the Court to stay the issue of the title until the cost of such re-survey shall be paid by the claimants.

By these means, I trust all difficulty will be removed in dealing with the irregularities which have occurred hitherto in the conduct of the surveys; but I apprehend that for the future it will be essential that such irregularities should cease, and that all should be done from the first as nearly as possible in accordance with the law. And therefore I trust that, after the present time, whenever surveys are needed, I, either direct or through my deputy, Mr. Baker, may be called upon, either by the Judge or by a Government Commissioner, to have them performed by officers duly appointed under my department as required by the Act.

I have, &c.,
THEO. HEALE.

No. 44.

Mr. H. T. CLARKE to Mr. S. LOCKE.

(Telegram.)

Government Buildings, Wellington, 28th July, 1875.

No. 246. Desired by Hon. Native Minister to inform you that the communication by Mr. Wilson complained of by you was altogether unauthorized. Mr. Wilson was distinctly told that the Native Minister would in no way interfere with the judicial action of the Native Land Court, and that you would, as District Officer, see that the interests of the Government were protected.

H. T. CLARKE,
Under Secretary.

S. Locke, Esq.

No. 45.

Mr. J. A. WILSON to Captain PORTER.

(Telegram.)

Government Buildings, Wellington, 26th July, 1875.

PLEASE inform Natives interested whom you may meet that Mr. Locke has been directed by Hon. Native Minister to postpone, as District Officer, in Court, until Government surveys are completed, all lands surveyed by Cooper on which Government surveys have been paid.

Captain Porter.

J. A. WILSON.

Minute by S. Locke, R.M., 27th July, 1875.

It is requested that Captain Porter will not take action in this matter as here suggested.

S. LOCKE, R.M., D.O.

No. 46.

Mr. H. T. CLARKE to Mr. S. LOCKE.

Native Office (Land Purchase Branch),
Wellington, 27th April, 1875.

SIR,—

I have the honor to forward for your information and guidance, a copy of the instructions by the Hon. the Native Minister to Land Purchase Officers,

I have, &c.,
H. T. CLARKE,
Under Secretary.

S. Locke, Esq., Napier.

Enclosure.

CIRCULAR.

LAND Purchase Officers are reminded that all land transactions on behalf of the Government must be conducted as openly as possible, and that in all cases the leading chiefs must be consulted; and they are strictly to avoid making payments to individuals who stealthily offer to part with their interests. Such a course is decidedly objectionable, as leading, in some instances, to Natives receiving money without due inquiry as to their right to dispose of land, thereby causing much discontent to the real owners, and prejudicing the Native mind against the action of the Government officials.

DONALD McLEAN.

No. 47.

Mr. J. A. WILSON to Captain PORTER.

SIR,—

Land Purchase Office, Gisborne, 22nd June, 1876.

Referring to our conversation yesterday, in which you informed me that after Mr. Eaffie had been sent into the field by Mr. R. Cooper yesterday, in which you informed me that after Mr. Eaffie had been sent into the field by Mr. R. Cooper to survey the lands known as Waingaromia Blocks, that he (Mr. Cooper) had spoken to you upon the subject, and had expressed his anxiety to obtain an authority from Mr. Locke to authorize said surveys as District Officer, I have the honor, in reference to the foregoing, to request you, should you see fit, to be good enough to furnish me with a letter embodying the above statement by Mr. Cooper to yourself.

I have, &c.,
J. A. WILSON,
Land Purchase Officer.

Captain Porter, Militia Office, Gisborne.

No. 48.

Captain PORTER to Mr. J. A. WILSON.

SIR,—

Militia Office, Gisborne, 23rd June, 1876.

I have the honor to acknowledge receipt of your letter No. 442, of 22nd instant, and in reply to state that the conversation alluded to, although perfectly true, I am averse to placing on official record unless upon Government inquiry into the circumstances of the case. I consider what transpired yesterday as non-official.

I have, &c.

J. W. PORTER,

Captain, Adjutant.

J. A. Wilson, Esq., Land Purchase Commissioner, Gisborne.

No. 49.

Copy of Remarks made by Judge ROGAN before giving Evidence, 11th November, 1876.

Re J. A. Wilson's Charges.

MAY IT PLEASE THE COURT,—

At fourteen years of age I obtained an appointment on the Ordnance Survey of Ireland, in Drogheda, in, I think, the year 1835, when I entered the calculating-room, which was the Junior Department. In two years' time I was promoted to the Drawing Department; and I can produce a testimonial from the Chief of the Engineers' Department, written in 1837, to the effect that I was steady, persevering, and industrious, and that I could draw plans pretty accurately. I left for Bangor, in Wales, and took to surveying on the Tithe Commission Survey. I proceeded to London, and became engaged in outdoor calculations for the Tithe Commission Office, Somerset House.

In 1840 I received an appointment as Second Assistant Surveyor for the Plymouth Company of New Zealand, when I sailed for this country with Mr. Carrington, the Chief Surveyor. I was engaged in the capacity of Assistant Surveyor for about five years, until the New Zealand Company's operations ceased. Afterwards I was employed at intervals as Clerk and Surveyor and Overseer on roads, until the year 1852 or 1853, when the Hon. Donald McLean (then Mr. McLean), the Land Purchase Commissioner, came to Taranaki, and asked me to conduct some sketch surveys for him at Mokau. I have a lively recollection of this business, as I returned £10 in debt, being at the rate of ten shillings a day. I merely mention this because one of the Commissioners of this Court, who was afterwards Superintendent of Taranaki, then expected me to conduct a survey on the same terms, which I, however, declined. Subsequently I received a permanent appointment from the Government as Land Purchase Commissioner. I need hardly remind the Court that I was successful at Mokau, Raglan, Aotea, Mahurangi, Whangarei, Waikato, and Kaipara. No one in New Zealand knows better than the present Native Minister, Sir Donald McLean, the value of my services as a subordinate Land Purchase Commissioner. It is not necessary for me to enumerate the various blocks of land I have purchased for the Government in the different districts already named, for full particulars relating to them will be found embodied in the public records of the time.

No. 50.

COPY of Telegram forwarded to CHIEF JUDGE, 9th July, and Chief Clerk's Reply *re* Waingaromia. No. 1, 2, 3, and Haumatuku.

Gisborne, 9th July, 1875.

THE following blocks of land have been surveyed complete. It is important to the owners and the public to have these two blocks gazetted for hearing during the sitting of the present Court, and before the end of the month it is recommended that these be gazetted at once.

Haumatuku.

Boundaries commencing at Taumata te Whakapakahau, Hau Matuku, Whare o Rahire, Te Rere, the boundary line of Rangatira Block to Mareturatu.

Ngatimaru Hapu.

Wi Mahuika, Patariki Pahura, Tiopira Tawhia.

Boundaries of Waingaromia No. 1.

Taromiro, Arakihi, Parikanapa, Makaha Kaha; thence to Waingaromia.

Waingaromia No. 2.

Arakihi, Paraheka, Tangihanga, Whakaumu, Te Waiiau, Mangamaunu, Makerokero, Mangatuamaru, Waingaromia. (Applicants: Pita te Huhu, Hone Kewa, Apirana, Moa Kaihau, Toromiro, Matai); thence to Urumatai Stream, to Waihora. (Applicants: Pita te Huhu, Hone Kewa, Paora Haupa). All applicants, Aetanga-a-Mahaki tribe.

J. ROGAN,
Judge, Native Land Court.

The Chief Judge Native Land Court, Auckland.

No. 51.

Mr. A. J. DICKEY to Judge ROGAN.

Auckland, 12th July, 1875.

CASES named in your telegram will be gazetted for hearing 29th instant; very little time for distribution of notices.

A. J. DICKEY,
Chief Clerk, Native Land Court.

No. 52.

Mr. A. J. DICKEY to Messrs. BROWN and Dr. GILES.

Auckland, 2nd October, 1876.

(Telegram.)
MR. WILSON has telegraphed asking whether the notice issued here on 12th July, 1875, for a sitting of the Court at Turanga, on 29th of same month, was for a separate and distinct session. I beg to state that the four claims comprising this notice were in the first instance sent to this office by Judge Rogan in a telegram. In this telegram he stated that it was very important that they should be heard during the sitting then in session—namely, that mentioned to be held at Turanga on the 18th June, 1875, the notices for which were issued on the 14th of May, 1875.

I have, &c.,

A. J. DICKEY,
Chief Clerk, Native Land Court,
(in the absence of the Chief Judge).

Major Brown and R. Giles, Commissioners, Gisborne.

No. 53.

WAINGAROMIA No. 3.—JUDGMENT.

THE survey of this land was made by direction of the principal claimant, Pita te Huhu, who stated his claim simply and distinctly—namely, that the land was given to him by the chief proprietor, a chief of the *hapu* or sub-tribe of Ngapuhi, for aiding in the wars which were carried on between the Maoris occupying the country inland of Poverty Bay and the Natives of Tolago Bay District (Actangahauti). It appears that on the return of the war expedition from Gable End Foreland, when a victory was gained by the assistance afforded by Pita te Huhu, Mehameha ceded the land from Puwharariki to Kanakanaia in the usual Maori form—"I have nothing else to give you but the land; it is yours." Pita te Huhu also claims a small portion of this land through heritage. The counter-claimant, Paora Parau and his friends caused a survey to be made of a block of land to be called Waihora, containing about 20,000 acres, which overlaps Waingaromia No. 3. Paora contented himself by giving the names of several persons as witnesses in support of his claim in opposition to Pita te Huhu. Nepia Tokitahi's evidence showed that a cession had been made of the land to Pita te Huhu, but limited the gift to a corner of the block, bounded by a stream called Kanakanaia, containing a few hundred acres. Nepia also stated that he cultivated on this land at a place called Umutaoroa, which place was afterwards shown by other witnesses to be outside of this block. Hakopa, one of Pita's witnesses, who was born on the land, and nephew of the chief Mehameha, substantiated the cession of the land to Pita, and it appears conclusive that according to Native custom he (Pita) is entitled, excepting to those portions subsequently given back by him to the original owners; and it only remains for the Court to say, in the language of Mehameha, "Pita, the land is yours."

No. 54.

Mr. BAKER to Mr. HEALE.

SIR,—

Gisborne, 9th April, 1875.

In reference to the complaint laid against me by Mr. Wilson, the Land Purchase Commissioner, I have up to the present date authorized the survey of two blocks—namely, Wharehapua and Tawhiti, for both of which I hold applications for survey from the claimants, certified to by the District Officer, Mr. Locke, that he knows of no cause why the survey should not be gone on with at once. On receipt of your telegram, I called on Mr. Wilson for the purpose of stating to him what action I had taken in the matter of surveys. I have since shown him all the applications for survey that have been lodged with me.

From my conversation with Mr. Wilson, it appears that Mr. Wilson objects mainly to the survey of two blocks, called Tuakau and Waingaromia. On Tuakau he has advanced public money. The survey of Tuakau and the oil spring blocks was ordered either by Mr. Locke, or Captain Porter, before my appointment to the Poverty Bay District, I believe with a view to purchasing for the Government. I have taken no action whatever in the matter, and consider as Mr. Locke had authorized the survey, and had instructed Mr. Skeet to make the survey, I was freed from all responsibility. Waingaromia: The survey of this block was also authorized by Mr. Locke, before my appointment: This survey is being made by Mr. Eaffie for a Mr. Cooper. The Purchase Commissioner is afraid that the survey will overlap another block for which he is in treaty, at the same time admitting he has no claim on part of the Waingaromia frontage. I may state that application for the survey of land claims are not entered in our register until the District Officer has certified to them. In future, the Purchase Commissioner is to see all applications before a survey is authorized.

Theophilus Heale, Esq., Inspector of Surveys, Auckland.

I have, &c.,
HORACE BAKER.

No. 55.

Mr. T. HEALE to Mr. J. A. WILSON.

SIR,—

Inspector of Surveys' Office, 22nd May, 1875.

Referring to your request "that the Deputy Inspector of Surveys in your district may be directed to cancel all orders and permissions to survey for private persons that have been granted on Native lands for which I am in treaty," &c., and which has been transmitted to me, I have the honor, at the earliest possible moment, to communicate with you, in the hope of settling the best manner of proceeding in a matter which threatens not only to be embarrassing to my representative on the East Coast, but which may become injurious to the public service.

I must premise by observing that neither I nor Mr. Baker know anything of the "persons" for whom lands are surveyed. Surveys are invariably required to be made by Government Agents, and we are governed by their authority only, knowing nothing of the destination of the lands, save that our work is the necessary basis for the action of the Native Lands Court.

The principle of the Native land legislation, and the practice of the Court, from the first, has always been to make clear to the Natives that the act of survey is merely ministerial to the Court, and can have no effect on the title to the land; and therefore that it cannot be to their interests to interfere with or stop surveyors, even where they are manifestly trespassing on their claims, since the only effect their work can have is to enlighten the Court in its subsequent investigations of the title. By the steady pursuance of this system, by contending claimants each getting their own survey made according to their own views, and the Court deciding upon them with all the facts before it, the jealousy and dislike of the act of survey which so embarrassed the settlement of the country in former years have to a very great extent died out, the discussions which used to take place over the surveyor's claim being transferred to the Native Land Court; and nothing is now more common than for surveys to overlap with the full knowledge of both parties, and with the full intent that the true boundary line shall be discussed before and decided by the Court. Now it appears to me that the case which you refer to as "encroachments" must be exactly of this nature—instances of disputed ownership—since no survey has been authorized without the express authority of yourself or Mr. Locke or Captain Porter; and I cannot but fear that if my department were to arrogate to itself the right to discriminate between the propriety of boundaries arranged by you, and others directed to be adopted by Mr. Locke, and were to insist on allowing only one of the rival claims to be surveyed, the effect would be to revive the old disastrous condition of making the survey the visible evidence of possession or of the supreme right of one party, and so to transfer the discussion of title from the Court to the field, with all the risk of stoppage and dispute with the surveyors; while, on the other hand, to allow both boundaries to be surveyed would, at the worst, only involve the loss of the cost of one of the two surveys of the disputed portion, which would probably be far more than repaid by the information thereby afforded to the Court as to the nature and extent of the conflicting claims.

I cannot, therefore, but suggest that when surveys are authorized by other Government Agents inconsistent with surveys directed by you, and the difference cannot be adjusted by conference between the two authorities, that both surveys should be permitted to be made, and the Court be called upon to decide upon the difference; at all events I must decline, without express directions from the Government, to attempt to discriminate between surveys authorized by one Government Agent and another, the duty of my department being simply to get each and every survey made when directed by competent authority, whether they happen in parts to overlap or not.

I transmit this through my deputy for his information, and I propose to forward a copy to the Hon. the Native Minister.

J. A. Wilson, Esq., Government Agent, Gisborne.

I have, &c.,
THEOPHILUS HEALE.

No. 56.

Mr. J. A. WILSON to Mr. T. HEALE.

SIR,—

Land Purchase Office, Gisborne, 3rd June, 1875.

I have the honor to acknowledge the receipt of your letter of the 22nd ultimo relative to my request to the Hon. the Native Minister that certain surveys in this district should be stopped, such surveys being carried out at the instance of a few European speculators on lands that I had previously leased and advanced large sums of money upon on behalf of the Government.

In reply, I beg to state, by way of explanation, that I was not aware, at the time I made the above-mentioned request, that the surveys in question had been authorized by Mr. Locke's authority, inasmuch as I had received no intimation to that effect, that gentleman having recommended me to obtain the land for Government.

In reference to the principle involved, I truly admit the force of all contained in your letter; yet at the same time I would urge that, from a land-purchasing point of view it is, I believe, very necessary that blocks of land on which the Government has advanced money, and over which it holds agreements, should pass through the Court on surveys coinciding with those agreements; for if the land should pass in another way, and be blocked out on other boundaries and in other blocks, then a fresh set of issues will be raised in Court; and when, with these circumstances, the history of the land is involved and intricate, and the Natives on the Government side are less intelligent, and the Government Agent is unable to explain, having no *locus standi*, the purchases of the Government will have a less favourable chance of ratification than if they had appeared in the form and on the tenure on which they had been negotiated.

Practically, the effect of private surveys on Government lands, to which Government has an equitable right through negotiation and by reason of moneys paid, is most injurious, as tempting the Native

owners to extort upon or to dispute and repudiate their previous agreement with the Land Purchase Officer. Sometimes a higher figure is the bribe offered by the European; sometimes the double payment is a sufficient inducement to the Native; while one of the most common weapons in the hands of the former is the utterance of all manner of speeches and statements disparaging to the Government and its Agent, all which would be prevented if such surveys were not permitted.

Another phase of the business is that it seems to be quite probable that Europeans get up these surveys for the simple purpose of being bought off by Government.

In any case I believe it is only my duty to state my opinion that surveys of this character have an injurious effect upon the Native mind, and that they have militated against the operations of the Land Purchase Department in this district.

At the present time the practice pursued in this district is to send applications for surveys to me for approval before final authorization. This course fully meets the case in so far as this department is concerned, provided all applications, without exception, are thus referred.

I have, &c.,

J. A. WILSON,

Land Purchase Commissioner.

Mr. T. Heale.

No. 57.

Mr. J. A. WILSON to the CHIEF JUDGE, Native Land Court.

(Telegram.)

Gisborne, 3rd November, 1876.

IN regard to matters now before the Royal Commission sitting here, please state whether you wrote a letter to the chief Karauria, of Tolago, informing him, long after the period allowed for survey in Judge Munro's interlocutory order had lapsed Uawa Block, that if he (Karauria) would cut the line marked by Judge Munro (and initialed by him), upon the ground, that a certificate of title would be made and issued. If such letter was written by you, please telegraph me a copy of it.

J. A. WILSON,

Land Purchase Officer.

No. 58.

Mr. A. J. DICKEY to Mr. J. A. WILSON.

(Telegram.)

Auckland, 6th November, 1876.

CAN'T find a record of any such letter as that referred to by you.

A. J. DICKEY,

Chief Clerk, Native Land Court.

No. 59.

Mr. A. J. DICKEY to HIMIONA TE KANI *re* UAWA, and the Interlocutory Order relating thereto.

E HOA MA,—

Tari o te Kooti Whenua Maori, Akarana, Maehe 15, 1876.

Tena Koutou,—Kua tae mai ta koutou pukapuka o te 9 o nga ra o Hanuere mo Ihunui, i ki mai nei koutou i nukuhia nga rohe o taua whenua e te Kooti i te taima i whakawakia.

Na, e hoa ma, i tukua atu e ahau ta koutou pukapuka ki a te Moanaroa, ko ia hoki te Kaiwhakawa, a ko tona whakahoki mai tenei. Na nga tangata Maori i tohutohu nga rohe i roto i te Kooti I maakatia te raina i runga i te mapi i te aroaro o te Kaiwhakawa, a e kore e taea te whakanuku te whakaputa ke ranei i taua raina i muri.

Na to koutou hoa,

NA TIKI,

Mo te Tumuaki Kawhakawa.

Kia Himiona Te Kani, Uawa, Poverty Bay.

[TRANSLATION.]

FRIEND,—

Native Land Court, Auckland, 15th March, 1876.

Salutations.—Your letter of the 9th January has arrived respecting Ihunui, in which you state that the boundaries of the said block were extended by that Court when adjudicated upon. Now, Friend, I submitted your letter to Mr. Munro, who was the then presiding Judge. This is his reply. The Maoris themselves pointed out the boundaries in the Court, and marked out the line on the map in the presence of the Judge; after which such line cannot now be altered or extended any way.

A. J. DICKEY,

(for the Chief Judge).

No. 60.

Tari o te Kooti Whakawa Whenua Maori,
Akarana, Akuhata 29, 1874.

E HOA E ARAPETA,—

Tena koe. Kua tae mai to pukapuka tonu o te 12 o nga ra o Akuhata kia whakawakia a Mangarara a Wairoro hoki.

9—G. 5.

Otira, e hoa, kua oti noa atu te whakawa o Mangarara. Kua tae mai he tono whakawa mo Wairoro, a kia tu ano he Kooti ki te takiwa ki a koutou, ka panuitia taua kereme mo te whakawa.

Ki a Arapeta Rangiuia, Uawa, Poverty Bay.

Na to hoa,
NA TKI,
Mo te Tumuaki Kaiwhakawa.

FRIEND ARAPETA,—

Native Land Court, Office, Auckland, 29th August, 1876.

Your application of the 12th August has arrived asking for Mangarara and Wairoro to be heard. Mangarara was adjudicated upon some time ago; and as for Wairoro, an application for it has been received; so when a Court is to be held in your district that claim will be gazetted.

Arapeta Rangiuia, Uawa, Poverty Bay.

From your Friend,
A. J. DICKEY,
(for Chief Judge).

No. 61.

Mr. J. A. WILSON to the Hon. the NATIVE MINISTER.

(Telegram).

Gisborne, April, 1876.

THE Court has moved from Tolago to Waiapu. All judgments at Tolago are reserved. The sittings at Tolago will be resumed in a few weeks, when Court completes hearing in Captain Porter's district. Meanwhile, if not detained in Wellington, I would suggest that I should go there now to see you *re* several important questions, where complications can best be treated after *visá voce* viewing same in all their bearings. Please instruct.

J. A. WILSON.

No. 62.

The Hon. the NATIVE MINISTER to Mr. J. A. WILSON.

(Telegram.)

Wellington, 13th April, 1876.

WITH regard to your telegram received yesterday, there will be no use in your coming to Wellington, as in all probability I shall be away by the time you arrive. I would very much prefer that you would submit to writing all you have to communicate.

DONALD McLEAN.

No. 63.

Mr. J. A. WILSON to the Hon. SIR DONALD McLEAN.

(Telegram.)

Gisborne, 14th April, 1876.

I WILL write accordingly. I think it right to inform you that the exact nature of my last telegram to you, and of your reply, was known to Mr. Cooper, and repeated by him here, some hours before I received your answer.

J. A. WILSON.

No. 64.

Mr. BROWN to Mr. LEMON.

(Telegram.)

Gisborne, 16th November, 1876.

MR. ROBERT COOPER and Mr. G. E. Read have given to Messrs. Brown and Giles, Commissioners, separate authorities, which have been handed to the officer in charge here, to call for the production of any telegrams received here from Wellington by either of them on the twelfth, thirteenth, or fourteenth days of last April. Please state if there are any.

C. BROWN, C.C.

No. 65.

Mr. C. LEMON to Mr. C. BROWN and Mr. J. GILES.

(Telegram.)

Wellington, 17th November, 1876.

No telegrams to Messrs. Cooper or Read can be found on the dates mentioned.

C. LEMON.

No. 66.

Mr. LEMON to Mr. BROWN.

(Telegram.)

Wellington, 16th November, 1876.

It will be necessary for you to inform me by whom the telegrams were sent, and from where.

C. LEMON,
General Manager.

No. 67.

Mr. BROWN to Mr. LEMON.

(Telegram.)

Gisborne, 17th November, 1876.

MR. WILSON, Land Purchase Officer, said that Cooper or Read received information by telegraph from Wellington of what was contained in his telegrams. They deny it, and gave the authorities referred to. As no name of sender is known, we cannot give it.

C. BROWN, C.C.,
(For BROWN and GILES).

No. 68.

CAPTAIN PORTER,—Ngatikohatu Natives offer to sell lands to North-west of Patutahi.—Mr. J. A. Wilson is the recognized agent, I believe, for purchasing lands in the Bay of Plenty and East Coast, and care should be taken that there is no clashing between Government Agents on these matters. If Mr. Wilson is not in treaty for the land mentioned, I would suggest that Captain Porter be allowed to make all preliminary arrangements with the Natives.—H. T. CLARKE.—12/5/74.

Referred to Mr. J. A. Wilson.—D. POLLEN.—12/5/74.

The Under Secretary, Native Office, Wellington,—Action has been taken on this reference, three blocks having been negotiated—namely, Tauwharetoe, Hangarua, and Te Ahimanu; total about 61,000 acres.—J. A. WILSON.—22/6/75.

No. 69.

SURVEY APPLICATION FORM.

HE PUKAPUKA TONO RUBITANGA KI TE TUMUAKI O NGA KAI RURI.

WHAKAATURANGA,—

Nga tangata e tono ana te ruri, me ata tuhi tuhi te ingoa o te whenua, me nga rohe, kia rite tonu, ki ta nga whakaaturanga i roto i te Pukapuka tono Kooti. Kauaka te tono ruri mo nga whenua kua oti te Whakatau e te Kooti Whakawa Whenua.

Ingoa o te Whenua.	Ingoa o te Hapu Iwi ranei.	Nohoanga o nga Kaitono.	Ma wai e utu te Rurita nga.	Nga whenua ruri e piri ana ki te taha.	Nga Rohe.
Uawa Kourua-teuwahi	Ngaeta Rangipureora	Uawa ...	Ma matou e utu, ko Tihi-tera (Teasdale) te Kairuri	Wharekaka, No. 2, te Kopuni me te maaka o Te Moanarua hoki	Ka timata i Waitapu te Karaka, te Wha, te Waipao, ka haere i runga i te maaka o Te Moanarua, te Ahirara tima, te Waihoroihipi te Matai-Pukepoto ka tutuki, ki te raina o Wharekaka No. 2, ka haere i runga i te raina o te Kopuni, Paerau-Waikirikiri ka tutuki ano ki Waitapu.

MOKENA HUKU.

ARAPETA RANGIUIA.

ME TAHI ATU.

HEREMIA TOUREWA.

Tuhituhinga o nga Kaitono. No te 11, o nga ra o Hurae o te tau 1876.

TRANSLATION.

APPLICATION TO INSPECTOR OF SURVEYS FOR SURVEY.

INSTRUCTIONS,—

Persons applying to have survey made should write carefully the name of the land and the boundaries, so that they will correspond exactly with what is set forth in the application to the Native Land Court. No application for survey should be made in respect of land already adjudicated upon by the Native Land Court.

Name of Land.	Name of Hapu or Tribe.	Abode of Applicant.	Who to pay Cost of Survey.	Adjoining Surveyed Lands.	Boundaries.
Uawa Kourua-teuwahi	Ngaeta Rangipureora	Uawa ...	Applicants to pay. Teasdale to be Surveyor	Wharekaka, No. 2, Te Kopuni, and Te Maaka o Te Moanarua	Commencing at Waitapu te Karaka, Te Wha, Te Waipao, along the line marked by Mr. Monro, Te Ahirara Timu, Te Waihoroihipi, Te Matai-Pukepoto, to the boundary line of Wharekaka No. 2, thence along the boundary line of Te Kopuni, Paerau-Waikirikiri, and meets again at Waitapu.

No. 70.

HE PUKAPUKA TONO KI TE KOOTI WHAKAWA WHENUA MAORI KIA WHAKAWAKIA ETAHI TAKE WHENUA.

E KARA,—

Ko matou, ko nga tangata no ratou nga ingoa e mau i te Pukapuka rarangi ingoa e piri ake nei, e whai take ana ki tetahi pihi whenua e tata ana ki Uawa. Na, he tono tenei na matou, mo to matou iwi hapu ranei, kia whakawakia aua take ki te Kooti Whakawa mo nga whenua Maori, he mea kia riro mai ai te Pukapuka whakatuturu o te Kawanatanga mo aua whenua. Ki te Kooti Whakawa Whenua Maori.

—
Pukapuka rarangi ingoa.

Te ingoa o te whenua.	Nga ingoa o nga Kaitono.	Nga nohoanga o nga Kaitono.	Te Iwi Hapu ranei	Nga rohe.
Tauwhareparae	Henare Potae, Tamakiterangi, te Peka Marotini, Pita Houao, Peta Toto, Hapurona Konia, Tooto, Patararangi, Ruta Pohiro, Paretaranga, Ani Nga-huia, me etahi atu	Anaura, Tokomaru, Omanuka	Ngatira	Ka timata ki te ngutu awa o te Mangaroa ka haere I Matawai ki Whetutangohia; ka rere ki Te Kowai o te Paraoa; ka rere ki te Whakauranga; ka makere ki roto ki Uruwiri; ka hu ki Mangaroau. Ka u ki Mangatarata; ka hu ki te Mata; ka haere ki roto te Mata; ka rere ki Tutamoe; Haupatua; Taumata o te Popo; Hinetore; Tauwhakaporoporo; Te Rimu Whakaturanga rahui; Te Rimu Tutahi; Momonatewai; Karangatara; Tawhiti a rakae; Hikuae; ka haere i roto o Hikuae; tutaki ki te timatanga.

No te 15 o nga ra o Mei o te tau 1876.

[TRANSLATION.]

APPLICATION TO NATIVE LAND COURT TO INVESTIGATE CERTAIN CLAIMS TO LAND.

SIR,—

We, the persons whose names appear in the following schedule, have claims to a block of land near Uawa, therefore we for ourselves, tribe, or hapu apply to have our claims investigated in the Native Land Court, in order that we may receive the certificate of title from the Government for those lands. To the Native Land Court.

—
SCHEDULE.

Name of Block.	Name of Claimants.	Abode of Claimants.	Tribe or Hapu.	Boundaries.
Tauwhareparae	Henare Potae, Tamakiterangi, te Peka Marotini, Pita Houao, Peta Toto, Hapurona Konia, Tooto, Patararangi, Ruta Pohiro, Paretaranga, Ani Nga-huia, me etahi atu	Anaura, Tokomaru, Omanuka	Ngatira	Commencing at the mouth of the Mangaroa River, thence to te Matawai, Whetutangohia, Kowai o te Paraoa, Whakauranga enters Uruwiri and runs on to Mangaroau, Mangatarata, te Mata; enters te Mata, and runs on to Tutamoe, Haupatua, Taumata o te Popo, Hinetore, Tauwhakaporoporo, te Rimu Whakaturangarahui, te Rimu Tutahi, Momonatewai, Karangatara, Tawhiti arake, Hikuae; enters Hikuae, and runs on till it meets the starting point.

15th May, 1876.

—
No. 71.

HE PUKAPUKA TONO KI TE KOOTI WHAKAWA WHENUA MAORI KIA WHAKAWAKIA ETAHI TAKE WHENUA.

E KARA,—

Ko matou, ko nga tangata no ratou nga ingoa e mau i te Pukapuka rarangi ingoa e piri ake nei, e whai take ana ki tetahi pihi whenua e tata ana ki Uawa. Na he tono tenei na matou, mo to matou iwi hapu ranei, kia whakawakia aua take ki te Kooti Whakawa mo nga whenua Maori, he mea kia riro mai ai te Pukapuka whakatuturu o te Kawanatanga mo aua whenua. Ki te Kooti Whakawa Whenua Maori.

Pukapuka rarangi ingoa.

Te ingoa o te whenua.	Nga ingoa o nga Kaitono.	Nga nohoanga o nga Kaitono.	Te Iwi Hapu ranei	Nga rohe.
Huiarua ...	Henare Potae, Tamakiterangi, Te Peka Marotini, Peta Toto, Rapata Wahawaha, Pine Wahapeka, H, Tamahori, Kereama Kaipara, me etahi atu	Anaura, Tokomaru	Ngatira	Timata ki te Whakoawai haere ki roto te Mata ka rere ki Tutamoe; Tukimata whenua; Totara Kairapua; Waipaoa; Kereru huahua; Arowhenua; te Mata ki tonu matawai; Te Whakarahunga o Tupaki; Tiraha o Tamarere; Kahikawaka; Te Whakoawai ka hu ki te Mata.

No te 15 o nga ra o mei o te tau 1876

[TRANSLATION.]

APPLICATION TO NATIVE LAND COURT TO INVESTIGATE CERTAIN CLAIMS TO LAND.

SIR,—

We the persons whose names appear in the following Schedule, have claims to a block of land near Uawa. Therefore we, for ourselves, tribe, or *hapu* apply to have our claims investigated in the Native Lands Court, in order that we may receive the certificate of title from the Government for those lands,

To the Native Lands Court.

SCHEDULE.

Name of Block.	Names of Claimants.	Abode of Claimants.	Tribe or Hapu.	Boundaries.
Huiarua ...	Henare Potae, Tamakiterangi, Te Peka Marotini, Peta Toto, Rapata Wahawaha, Pine Wahapeka, H. Tamahori, Kereama Kaipara and others	Anaura, Tokomaru	Ngatira	Commencing at Te Whakaowai, enters Te Mata and runs on to Tutamoe, Tukimatawhenua, Totara Kairapua, Waipaoa, Kereru huhua, Arowhenua, Te Mata to its source, Te Whakarahunga o Tupaki, Tiraha o Tamarere, Kahikawaka, Te Whakaowai, and joins at Te Mata.

May 15, 1876.

No. 72.

REPORT SECTION I.

LIST of Mr. Wilson's 23 Blocks asked for in Mr. Rogan's Letter of the 6th September, 1876, for the purpose of being marked on his vellum tracing. 25th October, 1875, 23 blocks ripe for passing through the Native Land Court.

No.	Names of Blocks.	Area.	
		A.	R.
1	Te Rangiwhaiao	Surveyed	583 0 0
2	Wetea	Estimated	2,000 0 0
3	Pirauau	Surveyed	12,612 0 0
4	Parariki—Paraheka	"	20,570 0 0
5	Arakihi	"	23,705 0 0
6	Matatuotonga	"	1,385 0 0
7	Ngatawakawaka	"	1,657 0 0
8	Puremungahua	"	2,890 0 0
9	Mangarara No. 2	"	164 0 30
10	Rangikohua	Estimated	3,000 0 0
11	Tatarahake	Surveyed	21 0 21
12	Waimata West	"	10,569 0 0
13	Tauwhareparae	"	74,190 0 0
14	Huiarua	Estimated	40,000 0 0
15	Waihora	Surveyed	16,474 0 0
16	Waimata North—Patu te Kanopu	Estimated	12,000 0 0
17	Waimata East	"	7,000 0 0
18	Waimata South	"	17,000 0 0
19	Te Paritu	Surveyed	12,142 0 0
20	Takararoa	"	2,707 2 0
21	Taumatarata	Estimated	5,000 0 0
22	Te Whakaroa	"	3,000 0 0
23	Mangapapa	"	1,500 0 0
			270,169 3 11

J. A. WILSON.

No. 73.

REPORT SECTION II.—FRESH BLOCKS PURCHASED.

No.	Names of Blocks.		Area.			
			A.	B.	P.	
1	Rangikohua and Mangapapa	... ..	Estimated	4,500	0	0
2	Whakapaupakihi	... ..	"	2,000	0	0
3	Te Ahimanawa	... ..	"	50	0	0
4	Pua te Roku	... ..	"	5,000	0	0
5	Te Whakaroa	... ..	"	3,000	0	0
6	Waihora	... ..	Surveyed	16,474	0	0
7	Taumatarata and Karamumonono	... ..	Estimated	6,000	0	0
8	Mangaorongo	... ..	"	2,000	0	0
9	Paparoa	... ..	Surveyed	2,342	0	0
10	Te Rangiwahiao	... ..	"	583	0	0
11	Patu Te Kanopu	... ..	Estimated	2,000	0	0
12	Te Pohue	... ..	"	2,000	0	0
13	Ngawhakatatara	... ..	"	2,000	0	0
14	Wetea	... ..	"	2,000	0	0
15	Warekopae	... ..	"	30,000	0	0
	Te Marunga proportion	... ..	Surveyed	3,088	0	0
				97,949	0	0
				101,037	0	0

No. 74.

Mr. J. A. WILSON to the UNDER SECRETARY, Native Department.

SIR,—

Land Purchase Office, Gisborne, 6th October, 1876.

I have the honor to forward, for the information of Government, the enclosed copy of the *Poverty Bay Herald* of the 22nd ultimo, containing an advertisement by one John Rogan, an advertiser, who, on inquiry at the office of the paper, I find to be the gentleman of that name who is a Judge of the Native Land Court.

The advertisement appeared at the time I was absent on my last journey to Tokomaru, nor was I aware of it on my return until after the last mail had closed. The reason I did not hear was that it was taken for granted I knew it.

In regard to this matter, I beg to adhere to the language of my report of the 6th June last, section 8, in saying of this advertisement that it is one of the many "unprecedented proceedings of the Judge;" that "it is an exceedingly improper proceeding, a violent action" and is of a nature to "injure the cause of the public" by prejudging the same to Cooper's advantage.

I repeat, also, "I am convinced—I say it emphatically—that it will be necessary to hear the case over again before another Judge—i.e., the cases upon all my numerous blocks that have been singled out by Judge Rogan from the blocks of other Land Purchase Officers, and have been prejudged in a spirit too hopelessly hostile to warrant the slightest hope that the blow he threatens will not be delivered."

I have endeavoured to confine this communication to a statement of the fact of the Judge's advertisement, and the relation of the said advertisement to a portion of my report of the 6th June last. More than this appears to me to be unnecessary at present.

T. H. Clarke, Esq., Under Secretary,
Land Purchase Branch, Wellington.

I have, &c.,
J. A. WILSON,
Land Purchase Officer.

No. 75.

LAND PURCHASES, NORTH ISLAND.

To the Editor.

SIR,—Having seen in the *Standard* of the 20th instant a schedule headed "Land Purchases in the North Island," in which are included a number of blocks of land in the Poverty Bay District, stated by the Hon. the Native Minister in the House of Representatives to have been purchased by Mr. J. A. Wilson, I enclose a translation in Maori of the lands named in that list, and request that you will publish it in the *Herald*, for the information of the Native owners of land in this district.

For the information of those to whom it may be interesting, I desire to state that the quotations of land purchased, alluded to by the Native Minister, are nearly all false statements as far as Mr. J. A. Wilson's purchases are concerned; because, in the column headed "Purchased," instalments on account of land have only been made, and one or two blocks of land only have been purchased.

An inquiry into the nature and extent of these purchases will probably soon be made, when I propose to show that a large amount of public money has been expended in advances to Henare Potae and others, for which no title can be proved. I will not particularize here, but will mention,—

Tauwhareparae	...	...	...	...	74,000 acres
Huiarua	...	...	...	...	39,000 "
Parariki	...	...	...	...	44,000 "

Large sums of money have been paid to Natives on these and other large blocks of land, exclusive of survey charges, for which Mr. Wilson will be alone answerable.

I have, &c.,

Makaraka, 20th September, 1876.

JOHN ROGAN.

Nga whenua kua hokona, kua rihitia i te takiwa o Turanganui i panuitia e te Minita mo te taha Maori i te ra i whai korero ai ia ki te Paremete, ko nga ingoa o nga papa whenua, nga eka, me nga utu kua oti te tuhi ki nga rarangi ki raro.

Ingoa o te Whenua.	Nga Eka.		Na.	Nga moni utu.	
	Kua hokona.	Kua rihitia.		£	s. d.
Mootu	...	19,120	Te Wirihana.	1,293	10 5
Waikohu Matawai	...	23,693	
Takapau	2,000	...		200	0 0
Pirauau	...	10,612		106	0 0
Tauwhareparae	74,190	...		i te tau	
Taumata Patiti	...	5,923		8,346	7 6
Pua te Roku	4,600	...		i te tau	
Huiarua	39,500	...		100	0 0
Matatuotonga	1,385	...		460	0 0
Ngatawakawaka	1,657	...		1,975	0 0
Paraheka	1,000	...		138	10 0
Tolago Township No. 2	164	...		165	14 0
" No. 3	21	...		100	0 0
Puremungahua	2,890	...		i te tau	
Arakihi and Paraiki	44,275	...		100	0 0
Te Marunga	7,660	...		410	9 4
Takararoa	2,707	...		43	0 0
Tauanui	1,000	...		289	0 0
Paparoa	2,342	...		4,427	10 0
Te Ahi Manawa	50	...		1,096	6 5
Waihora	16,474	...		270	15 0
Mootu	48,862	...		100	0 0
Waikohu Matawai	19,781	...		270	15 0
Te Rangiwahiaio	583	...		100	0 0
Te Pohue	2,000	...	225	2 3	
Mangarongo	2,000	...	5	0 0	
Wetea	2,000	...	1,647	8 0	
Waingaromia No. 3	5,762	...	2,120	0 0	
Whakapaupakihi	20,000	...	1,770	0 0	
Wharekopae	30,000	...	44	1 11	
Makotukutuku	1,200	...	200	0 0	
Rangikohua	1,950	...	200	0 0	
Mangapapa	1,340	...	200	0 0	
Te Whakaroa	3,000	...	200	0 0	
Taumatarata	2,900	...	200	0 0	
Karamumonono	2,000	...	200	0 0	
Patu te Kanopu	2,000	...	200	0 0	
Ngawahakatara	2,000	...	200	0 0	
Waimata North	...	10,000	100	0 0	
" South	...	17,000	i te tau		
" East	...	7,000	170	"	
Kei te euritia ...	...	...	70	"
Waimata West	10,569	...	...	...
Mangatokerau	...	7,000	1,000	0 0	
Mangatu Matawai	...	46,000	70	0 0	
Waipaoa Matawai	...	54,000	i te tau		
Te Paritu	...	12,142	150	"	
Waikohu North	...	10,000	121	"	
Kakanui	...	...	...	...
	...	...	100	"
	

No. 76.

The UNDER SECRETARY to Mr. ROGAN, Judge Native Land Court.

SIR,—

Wellington, 13th October, 1876.

I am directed by the Hon. the Native Minister to inform you that the attention of the Government has been directed to a letter bearing your signature which appeared in the *Poverty Bay Herald* of 22nd September last, which, with the schedule attached thereto, contains statements not supported by facts.

It is assumed that the publication under remark emanates from yourself. The Government are led to this belief from the circumstance that comments have appeared in the local newspaper identifying you with the document.

A reference to the statement made by the Hon. the Native Minister in Parliament, which you have taken upon yourself to impugn, does not appear to have been said by you with any care, otherwise you would not have committed yourself to assertions taken from a newspaper.

It is not alleged in the statement made by the Native Minister that the blocks referred to in the schedule to your letter were absolutely purchased by Mr. Wilson; on the contrary, Sir Donald McLean distinctly stated as follows: "I will now refer to the East Coast and Wairoa Districts; in the former little has been completed, although large areas are under negotiation."

Again, the schedule attached to the statement last above referred to shows in Part I. "Negotiations completed," which only includes two blocks leased and one purchased by Mr. Wilson. Part II. refers distinctly to lands negotiations for which are in progress and on which payments have been made.

A re-perusal of the Native Minister's statement must convince you of the misleading nature of the assertions you have made.

I am desired to state, further, that the course pursued by you in this matter, coming as it does from a Judge of the Native Land Court, has caused the Government considerable surprise, the evident result of which must be to create an impression that you have prejudged a large number of cases either pending before you, or which have not yet been brought under your judicial notice.

I am also directed to remind you that the fact of your publishing the letter alluded to in English and part in Maori must, from your position, be productive of incalculable mischief, irrespective of its being a remarkable departure from the recognized rules of the Civil Service.

I am desired to request that you will be good enough to give this matter your early attention, and offer such explanation as you may desire to afford.

John Rogan, Esq.,
Judge Native Land Court.

I have, &c.,
H. T. CLARKE,
Under Secretary.

No 77.

Mr. ROGAN to the UNDER SECRETARY, Native Department.

SIR,—

Napier, 25th November, 1876.

In reply to your letter of the 13th October last, I have to say that the letter published by me in the *Poverty Bay Herald* of the 22nd September was written under a mistaken impression of the statement made by the Native Minister in the House of Representatives. A report of that statement, which appeared in the *Poverty Bay Standard*, represented the Native Minister to have stated that the blocks in question had been purchased by Mr. Wilson. It now appears that what he actually stated was that the blocks were under negotiation. Had I been aware of the true state of the case, I should, of course, not have written as I did; and I can only say that I regret having been misled by an incorrect newspaper report.

H. T. Clarke, Esq., Under Secretary,
Native Department, Wellington.

I have, &c.,
J. ROGAN,
Judge, Native Land Court.

No. 78.

Mr. ROGAN to the Hon. Mr. ORMOND.

9th December, 1876.

NAMES of blocks of land in Tokomaru District, mentioned in my letter published in the *Poverty Bay Herald*, which should not be investigated by me:—Tauwhareparae, Huiarua, part of Parariki.

J. D. Ormond, Esq., Wellington.

I have, &c.,
J. ROGAN,
Judge, Native Land Court.

No. 79.

EXTRACT FROM PROGRESS REPORT for Month ending 30th September, 1876.

Land Purchase Office, Gisborne, 8th November, 1876.

ALL purchases in course of completion. Number of blocks, 34; area, 399,055 acres 3 roods 11 perches; purchase money, £32,526 8s. 11d.; payments to date, £11,988 4s. Of this amount there has been paid upon lands passed the Court, 11 blocks, £6,344 0s. 1d.; lands not passed the Court, 23 blocks, £5,644 3s. 11d.: total, £11,988 4s. Besides these lands there are others completed, the deeds of which are at Wellington.

J. A. WILSON,
Land Purchase Officer.

No. 80.

Mr. J. A. WILSON to the UNDER SECRETARY, Native Department.

SIR,—

Land Purchase Office, Gisborne, 21st July, 1876.

I have the honor to forward the correspondence attached for the information of Government. The deeds are prepared for Taumatarata, Karamumanono, Rangikohua, Mangapapa, Puremunga-hua, Matatuotonga, and Ngatawakawaka, and I am ready to pay for these blocks, the same having passed the Native Land Court without dispute. I cannot do so, however, until a Resident Magistrate attends to attest the Natives' signatures to the conveyances to the Crown. It would probably occupy three or four days looking the Natives up and getting all their signatures.

I had hoped to have the Government work, signature taking, done this week, because Dr. Nesbitt had informed me, on the 17th instant, it was his intention to visit Tolago immediately to attest signatures for private parties who had asked him to do so. The Doctor, however, changed his mind when he became aware that Mr. Campbell, R.M., had performed the private business last week.

Awaiting instructions.

H. T. Clarke, Esq., Under Secretary,
Native Office (Land Purchase Branch), Wellington.

I have, &c.,
J. A. WILSON,
Land Purchase Officer.

Mr. J. A. WILSON to Dr. NESBITT.

SIR,—

Land Purchase Office, Gisborne, 20th July, 1876.

I have the honor to state that I am anxious to obtain as soon as possible the signatures of a number of Natives at Tolago to certain deeds of conveyance to the Crown for lands at that place that have lately passed the Native Land Court.

As it is necessary, however, that each signature should be taken in the presence of a Resident Magistrate, I would ask you, should it meet your approval and you be able to do so, to be good enough to afford me an opportunity at an early date to take the signatures at Tolago in your presence.

There are nearly 200 signatures to attest.

Dr. Nesbitt, Resident Magistrate, Gisborne.

I have, &c.,
J. A. WILSON,
Land Purchase Officer.

Dr. NESBITT to Mr. J. A. WILSON.

SIR,—

Resident Magistrate's Office, Gisborne, 21st July, 1876.

I have the honor to acknowledge the receipt of your letter of yesterday's date, requesting me to attend at Tolago Bay for the purpose of attesting Natives' signatures.

In reply, I beg to say that I decline doing so unless specially instructed by the Government, for the following reasons:—

My absence from the Court at present would be attended with a great deal of inconvenience to the public.

Such a journey as you suggest involves an amount of personal expense which I can hardly afford considering the small salary I receive; and, further, I do not see any impossibility in the Natives coming to Gisborne, seeing that they chiefly are interested in having the deeds completed.

J. A. Wilson, Esq., Government Commissioner.

I have, &c.,
W. K. NESBITT, R.M.

No. 81.

The UNDER SECRETARY, Native Department, to Mr. J. A. WILSON.

SIR,—

Native and Defence Office, Wellington, 3rd August, 1876.

I have the honor to acknowledge the receipt of your letter of the 21st ultimo, with reference to the difficulty of obtaining the attestation of a Resident Magistrate to deeds of conveyance to the Crown for the land purchased by you, and to inform you, in reply, that Dr. Nesbitt has just been appointed to a Board of Inquiry under the Civil Service Act, and will require to be at Gisborne; but I have forwarded a letter of instructions to Mr. J. H. Campbell, a copy of which is enclosed for your information, which it is hoped will obviate the present and all future difficulty in the matter.

J. A. Wilson, Esq., Land Purchase Officer, Gisborne.

I have, &c.,
H. T. CLARKE,
Under Secretary.

No. 82.

The UNDER SECRETARY, Native Department, to Mr. J. H. CAMPBELL.

SIR,—

Native and Defence Office, Wellington, 3rd August, 1876.

I have the honor, by the direction of the Hon. the Native Minister, to request that you will be good enough, when at Tolago Bay, to attest such deeds of conveyance to the Crown as may be brought before you by Mr. J. A. Wilson.

I am also to state that you are to consider it a part of your duty to afford every assistance in your power to Land Purchase Officers, and proceed when requested by them to any place within your district for the purpose of witnessing signatures whenever it may be necessary for you to do so.

J. H. Campbell, Esq., R.M., Waiapu.

I have, &c.,
H. T. CLARKE,
Under Secretary.

No. 83.

Mr. J. A. WILSON to the COMMISSIONERS, and remarks by Dr. GILES.

Land Purchase Office, Gisborne,
20th November, 1876.

MEMORANDUM to the Commissioner showing Reasons why certain Evidence which I was prepared to adduce at the late Inquiry, and which Evidence was ruled by the Commissioners to be inadmissible, ought, I respectfully submit, to have been received.

1. In regard to the passage following contained in my report of the 6th June, 1876:—

“And further, had a Judge of the Native Land Court presided who could have taken Government business sometimes, instead of cases in which Mr. Read is interested always (I believe, one solitary case excepted, that the time of the Court in my district, during the year under report has been entirely engrossed in adjudicating where Read requires titles, while not a single case has been adjudicated in which Natives claim who have parted with their land to Government)—had these conditions been permitted to obtain, then the Government would have had its deeds and the Natives their money long ago.”

I submit that it was material to show that I was justified by the circumstances in reporting said general facts in the general manner set forth in the foregoing statements. That touching these statements I was prepared with the evidence of the Clerk of the Native Land Court to show by his books that blocks in which Government was interested had not been adjudicated during the year under report, and from his books, and by other evidence, I was prepared to show that during that period the Court had been engrossed in adjudicating where Read required titles.

That it was the more necessary to produce this evidence, and to prove the statements contained in this part of my report, because the passage named had been instanced by the Commission at an early stage of the inquiry as a proof that a clear and distinct charge had been made in the report against the Judge. And further, because this indication was made in reply to an opinion expressed by myself—viz., that my report of the 6th June did not contain any charge against Judge Rogan. The proposal by the Commission that I should take a special case in which Government was interested, and prove when that case ought to have been heard by Judge Rogan, was, I respectfully submit, a proposal to prove something outside my report.

The report dealt not, and was not intended to, deal with special cases, or with any isolated case; while so far from saying that Judge Rogan could have taken Government business at any time within the period named, the report I submit shows the contrary, notwithstanding it assumes it as possible that another Judge might have been able to do so.

2. Regarding the following paragraph in the report:—“I have to add another matter, however, in reference to the remarkable character of the opposition itself. I hold evidence from several respectable European witnesses showing, on his own statement, that Mr. Cooper, a principal and manager, did deliberately frame his arrangements upon an assumed and asserted partiality of the Court for Read.” I would submit that having shown, by evidence, that Read and Cooper are united in the opposition mentioned in the report as remarkable; that they have an agreement drawn by a lawyer; that the former has provided funds to the extent of £7,000, while the latter

We think that our view of this matter is justified by obvious considerations of equity and of the rules of evidence. If it were proved that the Court has only adjudicated cases in which Mr. Read had an interest, and none in which the Government had any, to what would this amount? Transposed, it simply means that one purchaser had an interest in all the cases that came before the Court, and another purchaser in none of them. This might prove the great extent of Mr. Read's land speculations, but could never justify any imputation against the Court. The only way to make good such imputations would be to show that cases in which the Government was interested had been duly brought before the Court, and unduly and without sufficient reasons postponed or neglected.

The passage contains a most distinct charge that the Court had made itself subservient to a private speculator.

We are glad to have this opinion in Mr. Wilson's own writing.

We consider this the only proper mode by which the charge in the report could be substantiated. If I report that a man is dishonest, and if I am asked to show what he has stolen, am I to decline on the ground that this is a proposal to prove something outside my report?

So much the worse for the report.

This passage is worthy of note. After denying that he had made any charges in his report, Mr. Wilson now explains the words of that report to mean that the Judge was not his own master. If what he now says does not mean this it means nothing. And this after declining a challenge to bring specific proof of undue delay or neglect, which could be brought with ease if there were any truth in the charge. Is not this stabbing in the dark?

We have referred to this in our report. We can only wonder what sort of estimate Mr. Wilson sets on the character of his neighbour when he seeks to asperse it on such testimony as this. A is to be proved a thief by bringing B to swear that he heard C call him one.

J. GILES.

had charge of the management of the business *re* Waingaromia. That therefore it appears to be right to request that the witness referred to in this passage should be examined in order to show that the statement in the report was, under the circumstances, a proper one to make in a report of that nature, and to show that Cooper has acted in a way in which he would not have acted had he not believed his own assertions to be true. Whether Mr. Cooper's statements be true or false, they were made as affecting my negotiations, and I was justified in reporting them at any time. In so far also as his words or his actions may have had reference to an alleged influence with the Judge, I submit that at an inquiry of this kind I should have been permitted to call evidence.

3. I submit that it was material that the class of evidence of which Wi Mahuika was the first witness to have spoken should have been received, for the following reasons:—

This evidence would have shown that since certain Natives had changed their minds after treaty with Cooper, and had refused to sell the interests they claimed in Waingaromia No. 2 to Cooper, that they had been treated differently by the Judge, and that they could not obtain a hearing, but are told to go and get Pita te Huhu's (equivalent to Cooper's) permission to share in the block; and I submit, further, that this evidence should have been received to show that my express conviction that it would be necessary to hear that block before another Judge was supported and justified by the state of the matters in the Native Land Court at the time of the report.

4. I come now to the rejected evidence tendered by me in Captain Porter's letter to Henare Potae, and to the expunging of my previous evidence that was confirmed by that letter. I submit, most respectfully, that it was material that Captain Porter's letter should have been received in evidence, and that my evidence should not have been expunged.

The expunged evidence showed that Captain Porter, whom Judge Rogan had frequently associated with himself in certain official duties, did persistently endeavour to convince me that in going against the Natives with whom I have dealt, the Judge was actuated by feelings of animosity towards myself; and the said expunged evidence shows, further, that I refused to accept or to entertain Captain Porter's expressed opinions. All this was denied by Captain Porter on oath. He moreover denied he had at any time uttered or written these views and opinions to any other person.

But the production of Captain Porter's letter to Henare Potae, which was read by the interpreter to the Commission, conclusively proves—

1st. That, notwithstanding his oath to the contrary, Captain Porter had written such things.

2nd. That he had attributed animosity on the part of the Judge to myself.

3rd. That he had considered that that "*mauhara*" (translated in Williams's Dictionary as "ill-feeling cherished") against myself did influence Judge Rogan in his unfavourable decision against the Natives with whom I had dealt.

4th. That Captain Porter saw fit to inform the Natives that the Judge's alleged ill-feeling had caused them to suffer to such an extent that he (Captain Porter) urged them to petition the Government for a rehearing, asking them to send the petition through himself, and that he would solicit the favourable consideration of the Government; and I am informed by the Natives that

Then why was not Cooper questioned on the subject? Not the slightest attempt was made to get any evidence of this sort from him. This alone is fatal to Mr. Wilson's argument.

Yes, but not hearsay evidence.

This was a distinct charge against the Judge, sought to be established at the end of the inquiry, and without any notice given. It is very easy to pick up Natives who are glad to relate some grievance which they think they have sustained at the hands of the Court.

The evidence referred to, as expunged, is of a kind which we think ought never to have been given, being a report of a private conversation. But it has not been expunged, and will be found on the notes of evidence, pp. 20, 21. (See p. 29.) Captain Porter denies that his conversation has been accurately reported, and we certainly think its strict accuracy open to question when we find how Mr. Wilson perverts the expressions of Captain Porter's letter to Henare Potae, which he now complains was not received.

This seems an exaggeration even of Mr. Wilson's own evidence.

This was a private letter, and though Captain Porter allowed it to be read, we would not receive it as evidence, expressing our opinion not only that it was irrelevant, but that it ought never to have been tendered. We think so still.

This letter was, as we have said, a private one. It was written by Captain Porter to his relative, Henare Potae. In it he spoke of an ill-feeling existing between Judge Rogan and Mr. Wilson. How is it that Mr. Wilson leaves out one-half of the statement? But nothing that Captain Porter said in his letter could ever be evidence against Judge Rogan. If Captain Porter had proofs that the Judge had animosity against Mr. Wilson, why was he not asked to produce them in evidence? Mr. Wilson is here endeavouring to put in as evidence, not the rejected letter itself, but his own garbled version of it. It is no matter what Captain Porter informed the Natives.

J. GILES.

a petition through Captain Porter was sent in response to this letter.

I submit that the exclusion of Captain Porter's letter to Potae, and of my expunged evidence, after it had been supported by that letter, has conferred upon Captain Porter's remaining evidence a value which it ought not to possess, especially where such evidence is opposed to my own, as when he contradicts my statement that he told me he was not Acting District Officer at Tolago in April last, and that the Judge was making "an improper use of him."

I urge this because where our evidence has clashed on a cardinal point mine has been proved to be true by Captain Porter's own writing, while his has been negated by his own written statement.

5. The letter referred to is manifestly a public letter, written as it is by one public man to another, upon business entirely public, and urging that public action should be taken through the writer by way of petition to His Excellency, written, too, by an officer who affirms now that he was Acting District Officer at the Court.

I submit, therefore, that the evidence should not have been expunged, and that the letter should have been received in evidence.

Lastly, I submit most respectfully that the Natives, Rutene Kuhukuhu and Henare Ruru should have been summoned from Tolago. I submit their evidence was necessary in regard to the adjournment of the Court at Turanga on the 29th July, 1875, in regard to what took place at the Court at Tolago in April, and to the case of the three blocks, Puremungaahua, Ngatawakawaka, and Matatuotonga.

J. A. WILSON,
Land Purchase Officer.

The Royal Commissioners, Dr. Giles and Major Brown, Gisborne.

There has been no clashing of evidence on any cardinal point that we know of.

This is quite incorrect.

We think this altogether erroneous.

Mr. Wilson was repeatedly told that if he would specify for what purpose his witnesses were required, we would summon them, if satisfied that their evidence was material. But he could never satisfy us on this subject. He perpetually dealt in generalities. He wanted the Natives to state their impressions of the Court, and the like. We never could ascertain what it was they were to prove.

J. GILES.

No. 84.

Mr. A. MACKAY to Mr. J. A. WILSON.

(Telegram.)

Government Buildings, Wellington, 16th December, 1876.

No. 493. Am desired to inform you that the Commission appointed to investigate the charges made by you against Judge Rogan having reported to the Government after careful inquiry no ground had been shown for the serious charges made, it is determined that your employment by the Government shall terminate on the thirty-first of December now ensuing. You will therefore be good enough to confine your attention to winding-up your accounts and making a final report on the various transactions in which you have been engaged.

A. MACKAY.

No. 85.

Mr. A. MACKAY to Mr. J. A. WILSON.

Native Office, Wellington, 18th December, 1876.

SIR,—

I have the honor, by direction of the Hon. Mr. Ormond, in the absence of the Native Minister, to inform you that the Commission appointed to investigate the charges made by you against Judge Rogan having reported that after careful inquiry no ground had been shown for the serious charges made, it is determined that your employment by the Government shall terminate on the 31st December instant. You will therefore be good enough to confine your attention to winding-up your accounts and making a final report on the various transactions in which you have been engaged.

I have, &c.,

J. A. Wilson, Esq.,
Land Purchase Officer, Gisborne.

A. MACKAY,
(for the Under Secretary).

By Authority: GEORGE DIDSBUY, Government Printer, Wellington.—1877.