

FRIDAY, 13TH JULY, 1883.

HARAWIRA, further examined.

72. *Mr. Hursthouse.*] You told us you had applied for a rehearing, which was refused; will you put in the document containing the refusal?—I was under a misconception when I said that I did apply for a rehearing.

73. *Mr. Tawhai.*] I wish to question you about the faults you found with the Court?—I have already stated that one of the faults I found with the Court was the fact of the Judge and Mr. Sheehan constantly being together; and even while the case was going on, before all the evidence in the Waotu No. 2 case had been concluded, the Court several times said that the evidence was wrong, and found fault with the person conducting the case. Te Morihu was conducting it at first, but after some time he was afraid of what was said by the Court, and left the case in my hands. In the hearing of the case of Waotu South, after all the evidence had been taken, I got up, on behalf of those I was representing, and addressed the Court on the evidence, but before I had time to finish my address the Court interposed and said that the Waotu No. 2 case had already been ousted, and it was no use my continuing my address. Upon that, Piripi Whatuaio and myself asked the Court to inform us what hapus its judgment had been given in favour of, and what hapus had been shut out. After the judgment was given I informed the Court that I had, by law, three months in which to take action in the matter, and the Court told me that it was no use my doing the thing; the case had gone against me, and I could do nothing. Mr. Sheehan and the other lawyers laughed at what the Judge said to me in the Court. I have nothing more to say against the Court; but there was a block of land adjoining Waotu No. 1 awarded by the Court to another tribe; and this other tribe, to which it was awarded, said that our claim was a very good one, that the land belonged to us. Those who got No. 1, according to the judgment of the Land Court, stated to Mr. Williams that we were the right owners of No. 2. The Court paid no attention to this, but listened rather to Mr. Sheehan.

74. *Mr. Tomoana.*] Have you a map of the land with you?—I have a map of Waotu No. 2, which shows also the locality of No. 1.

TUESDAY, 17TH JULY, 1883.

Chief Judge MACDONALD, examined.

*Witness:* I take the evidence of the old gentleman first, as that seems to contain most of the allegations; the others are not more than a repetition. The first thing I notice is the statement, "I had not time to finish the whole of my case. There were parts of the evidence which I intended to bring out that I had not an opportunity of doing, because of the judgment of the Court being given before I had time. I had merely stated the main grounds on which I claimed—how my ancestors got the ground before me, and that was all." That I need not say is a mistake, because the case was conducted most amply. Certainly his case was conducted very badly by his agent—very badly indeed—and if I remember aright I recommended him to get a fresh man, because I thought the man he had did not do him justice; and the other witness took charge of the case next day. Moreover, the witness himself subsequently says, in answer to this question, "Did any other person besides you give evidence to a similar effect?—I was the first one who spoke, but all the others belonging to my hapu also spoke. And gave evidence in support of your claims?—Yes." Then, the young man says, in answer to a question "Did your case get a fair and full hearing by the Court?—Yes." I think I may leave that point. The next matter, although part of what I have already referred to, is, "Why did the Court come to a decision without having heard your whole case stated?—The reason was because I was not with the lawyers or the company. I was by myself." I suppose, in giving my evidence, I must confine myself to facts and not to comment.

*The Chairman.*] We shall be glad of your comments afterwards. Facts are the main things. We shall be very glad indeed of comments on the general bearings of the matter.

*Witness:* I do not know that I wish to make any comment except as to lawyers, and that is this: I do not think the old gentleman is responsible for it. As to the company, I really know nothing. I know some half a dozen gentlemen who manage or constitute some two or three companies, but as to any particular company I have certainly no knowledge. Then comes the statement that he made an application for a rehearing, by himself and by the young man, who says that no application was made. So I need not refer to that; and so with the reason he gives for having made a verbal application for a rehearing, instead of one in writing, that "he was ignorant of the practice of the Court;" that goes in the same manner. Then there is an answer to the Hon. Mr. Bryce, "Did you stand up in Court and make yourself heard, so that the Judges would understand you had a claim?—I stood up in Court. I addressed the Bench. They heard me, and what I said was, 'I claim the land.' Then what happened? Did the lawyer speak, or did the Judge speak, or what?—Immediately after my telling the Court that the land belonged to me the lawyer spoke, and he addressed his words to the Chief Judge. And what did the lawyer say?—The lawyer said to the Court, 'I have asked this old man to join in my case, but he will not do so. He wants to set up a separate case of his own on his own ancestral grounds.' Joined in the case: I apprehend you mean by that that the lawyer meant that your name should be associated with his clients?—Yes. And did you notice then what the Judge said in reply to the lawyer?—The Judge said to Mr. Sheehan, 'How is it he will not agree? On what ground does he refuse to join your case?' And Mr. Sheehan said, 'He is anxious to set up a case of his own; to go on his own claims.'" I have no doubt something which might fairly be interpreted in those words did take place; but what took place is strictly in accordance with what took place at every other case at the Courts I have conducted. Then the evidence is, "Did the Judge decline to take your evidence and that of your witnesses as substantiating your claim?—The Court would not listen to what I said. The Court made this remark: that I should have agreed to Mr. Sheehan's proposal; that if I went on my own hook I would suffer."