

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.