

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 "*mauahara*" (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.