

evidence is called in question with considerable severity in the memorandum. Mr. Rogan's explanation in his evidence to the Committee was that the Natives of whom Noa Huke spoke did not attend the Court, but he got from Noa as many names as he could and he put these in the memorial. Renata said that that was all who were interested, and the Judge says he consulted Hone Peti, the Assessor, and that Hone Peti recommended the course adopted. There was only one other course open, which was to adjourn the Court until these Natives should come from Patea. The Natives, so far as the Judge knew, had had ample notice, and he supposed they were as little likely to come to the Court on an adjourned sitting as on the first. There was at that time no knowledge of any non-receipt of the notices. So without adjourning the Court he put these names in the memorial. He does not seem to be satisfied himself. Mr. Rogan's explanation is the simple explanation of a man who had, I submit, very good reason for acting upon the evidence of a chief like Renata, whom he knew to have a mana over the land, and who everybody in Court admitted had the mana. This is all that there is about the Kaimanawa so far as Judge Rogan is concerned, except that in the memorandum at the top of page 4 is a reference to his having given advice to the late Sir Donald McLean. Upon that I may say I do not think that the statement in the memorandum is a fair summary of what took place, though of course I admit that it was difficult to make a fair summary sufficiently brief for the purpose of this memorandum. What did take place, it will be seen by reference to the papers on the table of the House, was that there was before Sir Donald McLean not only the application for rehearing, but also a letter from Renata in which Renata declared that that application was signed by only one man, and that there were no real objectors; and then there is a letter from Judge Rogan in which he says he knew that the Natives could have come in time, and that he could prove that the statement that they had not time was incorrect. As a proof that their statement was incorrect, that they had to ride three days and three nights, you have Captain Birch's evidence. You must remember that at this time there was fresh in Mr. Rogan's memory the fact that Captain Birch had come down, and probably he knew the time which it had taken Captain Birch to come. And he knew that the statement of the Natives that they received the letter on the 13th, and had to ride day and night to attend the Court, must be a misrepresentation of fact. It was not sufficient notice—we agree as to that; but they had taken upon themselves to state that they had to travel night and day for three days and nights, and he could prove that that was incorrect. Now, he does not say that they had received the notice in time to appear: all he says is that their statement was untrue. That will be found among the papers on the table. There was no doubt they had time, because it only occupied Captain Birch less than eighteen hours to get from his place to Napier.

*The Chairman:* Twenty-six hours, including stoppage for the night, Captain Birch stated.

*Mr. Bell:* Yes: that would be about eighteen hours' riding.

*Mr. Stewart:* They said they did not start till the next day, on account of having to catch their horses.

*Mr. Bell:* That is so. Well, that is all as to the Kaimanawa. I say there was nothing in the investigation of the Kaimanawa Block which throws the least reflection upon Mr. Rogan's good faith or honesty. Now, as to the Owhaoko. The Court had before it on the 16th September a rough plan of the smaller blocks. The Owhaoko No. 1 and No. 2 are the two smaller blocks. The Court had not before it the larger block. What it was really investigating, then, was what is called the school reserve. Now, I complain here, again, of the memorandum. The writer sees fit to give Renata's evidence and Noa Huke's evidence on page 2 of the memorandum, and says, "The evidence is given in the first person, and I have no doubt it has been minuted in full." That is not, I submit, correct. The minute-book shows that upon the challenge of objectors none appeared, and that then Renata Kawepo and Noa Huke were recalled. It does not give the evidence of Renata Kawepo or Noa Huke upon their recall. I submit that it is not a fair statement to say that the writer has no doubt that the evidence was minuted in full when the minute-book shows it was not. A mere slip, of course; but it is a matter of great importance, because the recall shows that the Court did take some further trouble about the matter, though it did not minute the further evidence in full. The effect was given in a clear entry. Then, on the top of page 3 the memorandum remarks that it was peculiar that a Judge should, knowing there were other owners of the land, have, without their consent, stated that he would order a memorial to be issued to the people present. He did say that in effect, no doubt; but he did not issue any memorial whatsoever upon that inquiry. I do submit, Sir, that that fact should have been stated in the memorandum, and should not have been left to inference, or the careful perusal of those who might critically scan the whole document. He did not upon such evidence make a memorial of ownership. He did not issue a memorial upon the proceedings on the 16th September, 1875, for the whole thing was done afterwards, practically, *de novo*. The next date we have is the *Gazette* of the 27th June, 1876. The Court sat on the 27th July, 1876. That is on page 4 of the memorandum, in the middle of the page. The writer says, "No boundaries are given in the notice to the Natives." I complain of that statement, because the writer omits—I presume by accident—the fact that this notice on page 4 appears in the *Gazette*, headed as follows: "Adjourned Claims—boundaries will be found in the previous *Kahiti*." No doubt, that is not giving the boundaries in this notice; but I do submit that in a memorandum to be presented to Parliament, which attacks the character of several gentlemen, it was not sufficient to state that no boundaries are given, and to omit the fact that the notice was headed, "Boundaries will be found in the previous *Kahiti*." I think that fact should have been stated. It is not usual to repeat boundaries in the notice of adjourned claims. Then it is stated in the memorandum a little lower down that the Native Land Court at Napier was about a hundred miles distant from the homes of these Natives, and by a road almost inaccessible. That is not correct. It was proved not to be inaccessible, for you have the evidence of Captain Birch of its easiness of access. These statements characterizing the position of the Native Land Court as being so situated should have been more carefully scrutinized by the honourable gentleman when presenting such a document to Parliament. These people of