

rule never to expunge anything; if it was wrong, it was there to be seen. I considered that from the moment it was written it became public property; it was not for me to cut it out or interfere with it, but simply to make an explanation.

387. You took Mr. Brooking to Gisborne with you. He was in the Court with you?—Yes.

388. Mr. Woon seems to have arrived pretty accurately at what you did determine?—He did so; it is marked down here.

389. And the alteration seems to have been made about that time?—Yes.

390. Had you anything to do with the making of the alterations?—I had nothing to do with them.

391. Is not the minute as altered substantially correct?—Yes, substantially correct.

392. If the heading "164,000 acres" were struck out on the first page the minute, as altered, would be substantially correct?—Yes. I should not like to say that this first portion is all of it correct. It cannot be correct, for there could not have been an order for 164,000 acres at this period, for I had not the plans before me for nearly twelve months.

393. But does not the minute, as altered, substantially indicate what you did?—Yes, quite so; but the whole thing is wrong. Here is an order for 164,000 acres, which should have been for the school reserve of 28,000 acres.

394. Suppose your Clerk had made a mistake in entering the minutes of what took place at the Court, and you saw that the mistake had been made, would you have conceived it your duty to leave the minute in its incorrect state in the books?—No; I should consider it right for me to write on the margin a memorandum explaining the mistake, because it is only confusing as it is.

395. Did you look at the minutes as kept by the Clerk as records absolutely determining what you did? Was it your practice when you were a Judge to regard these minute-books as binding the Court and concluding the Court?—No; certainly not.

396. What did you act on—what did you proceed upon when you made a memorial and signed the certificate before you?—In many cases I proceeded on the plan. It was the usual custom.

397. The plan would not tell you the owners. What did you proceed upon—what was your practice when you came to draw up your memorial?—I proceeded upon the minutes that were taken with regard to the number of owners—either upon my own minutes, or by this book, the ordinary deposition-book.

*Mr. Montgomery:* Which is the official record?

*Mr. Bell:* It is the book I produced the other day.

WEDNESDAY, 7TH JULY, 1886.

Captain BIRCH examined.

398. *The Chairman.*] What is your Christian name, Captain Birch?—Azim Birch.

399. You are a sheep-farmer, I believe?—Yes.

400. You are interested in some manner—I do not know what exactly—in this proposed Bill—the Owhaoko-Kaimanawa lands—are you not?—I am lessee of Kaimanawa.

401. You have seen the Bill, I suppose, and this memorandum?—Yes; I saw both.

402. Are you here to make some statement on the matter?—I have no statement to make; but I am willing to offer any information, or answer any questions that the Committee may wish to put to me.

403. I do not think your name is mentioned in the memorandum—is it?—I am mentioned as having been lessee of the Kaimanawa Block.

404. *Hon. Mr. Bryce.*] I think it would be as well to get down Captain Birch's statement in reference to the matter, if he will just say what he knows about it?—I have been connected with the land since 1868, when I first took up sheep there, under a conditional promise from the Maoris that they would pass the land through the Court—which they did in 1875, at which time I was resident on my run there. I was present in Napier at the time that the block of land—Kaimanawa—was passed through the Court, and was cognizant generally of the circumstances attending its passing through the Court. I was aware that some Natives came down from the run, and were desirous of reopening the case; and I believe that they made a plea that they had not time, between the time of their receipt of the notification that the Court was to sit and the sitting of the Court, to arrive. I believe the memorandum states that they had three days. I can only say that my practice at that time—I think I ought to say my practice—was to leave my homestead at eight o'clock and be in town on the following day at the opening of the business places at ten o'clock. I stayed overnight with one of my friends at Matapiro, and it took me fourteen hours in the saddle.

405. We had it in evidence that it is ninety miles?—It was eighty miles from my door to Napier, and the pa is further on—that would be about eighty-six miles from town.

406. You used to ride it in one day, and arrive the next morning?—Yes—twenty-six hours, including twelve hours' stoppage.

407. Then it is good country for travelling—a good road?—No—it was a horse-track over a mountain-range; but I had the advantage that there was a gradual descent of about 2,000ft.

408. All down hill?—Yes; for the most part. It was not exhausting to my horse or myself to do that journey.

409. You rode the same horse all the way?—Yes; but for the last four miles I used to take advantage of the coach to take me down, and leave my horse for pasture.