

917. But suppose the person who serves the notices had not done his duty?—Yes, certainly; but it is contrary to the maxim of law, “*Omnia bene et rite facta præsumentur donec probetur in contrarium.*”

918. We will take a case in the Magistrate’s Court or the District Court: would they not ascertain before proceeding to investigate whether the notice had been duly served?—Yes; but that is a different thing. Here is a man, Mr. Dickey, who managed all these things, sending out his notices as regularly as the sun rises in the morning.

919. But Mr. Dickey did not personally serve these notices. They seem to have been left to the District Officer?—No.

920. But here it says Mr. Locke sent the notices, and he was a District Officer?—I will tell you what I mean. I will take the case of the Patetere Block, because there has been a great deal of talk about that, and the instance will better explain than anything else. The notices were issued in the usual way—that is to say, they were put in the *Gazette*—in the *Kahiti*—and before the *Gazette* was printed (it was not on the *Gazette* that we relied) a number of slips were issued (as far as my recollection goes it was 570, the ordinary number). We printed them in Auckland—the slips of the whole Court. They were sent to every person whose name appeared, or whom we knew as having anything to do with the land. Of course, in the first instance we knew nobody but the applicants, for they never disclosed any one else. It is contrary to the Native character that they should. Then, after every Native that was known to the Chief Judge or his officers had had a notice enclosed in an envelope, they were sent by post. The remainder were sent in batches of twenty or ten to the Resident Magistrates, District Officer, Postmasters, and everybody else that I could think of, and they were stuck upon the post-offices and Resident Magistrates’ Courts, and everywhere else that they were likely to be seen. Of course this would only apply to places in which I judged the Natives would have some interest in the notices. In the case of the Patetere, it would be Taupo, Cambridge, Hamilton, and so on. When that case came on for hearing before myself, I think it was found that the claimants of that land began at Maketu, on the Bay of Plenty, extending across to Tauranga, on the Bay of Plenty, went right through the Rotorua country, by Taupo, all over the southern part of the Waikato, across to Kawhia, down through Wanganui, and ended at Otaki. The Ngatiraukawa who lived here were the same as those who were driven out of Waikato by the invading tribes. The result was that I had to adjourn that Court, and the next also, and had to close the whole of the Courts in the country, except down the West Coast and Napier way, whenever Patetere lands were on. Of course, all these persons had no notice, and it was impossible for them to know of the matter except from such information as they picked up accidentally from the slips which were circulated, and the *Kahitis*; afterwards, when the Court sat, I sent slips down to Otaki, to Maketu, and all over the world, I may say. It was to the slips—not to the *Gazette*—that I trusted; because the *Gazette* was never sent, in fact, to a great part of the country. For instance, in that time before the Native Land Court had broken up that land league which is called the King movement, they did not look at a *Gazette*, and they used to come to our Courts and say they were going to take us prisoners.

*Hon. Mr. Bryce*: There is evidently some misunderstanding between the witness and Sir Robert about this question of notice.

921. *Hon. Sir R. Stout*.] I understand, then, Judge, that notices were issued in the form of slips?—Yes—telling the sittings of the Court.

922. We have a copy of the slip before us bearing date 9th August. That would be a slip that would be sent to the Natives?—Yes—a copy of it.

923. That slip would be sent to the District Officer to serve?—Yes.

924. Duplicates of it, I mean?—Yes. The Natives had envelopes addressed to them separately, with these slips enclosed.

925. If there was no post-office where the Natives resided, I apprehend it would be the duty of the Native Department, or the Native Land Court, through its officers, to forward these notices to the Natives interested?—You mean personally?

926. Well, how else could they be served?—That would, of course, have been quite impossible, unless we had such an establishment as the General Assembly would never think of granting us.

927. How were these served, then. I understand you to say that they were served by the District Officers?—Yes—scattered over the country.

928. That is, scattered over the country by the District Officers?—Yes.

929. Now, in this case Mr. Locke was the District Officer in Hawke’s Bay?—Yes—under this Act.

930. And it would be his duty to see that the Natives residing on this land—inland Patea—were served. That would be his duty, would it not?—No.

931. Whose duty, then?—The applicants’ duty. We had served them in the sense in which you use the word, because every Native whose name was known to us had a letter addressed to him.

932. And if there was no post-office?—Then we could not help it.

933. If there was no post-office he never got it, I suppose?—Well, if he never got it, he never got it.

934. What would be the case in many parts of the country that you knew where the Natives had no post-office near them?—Then it was the duty of the nearest public officer to go to the village and leave them about.

935. Then it would have been the duty of Mr. Locke, if there had been no post-office at inland Patea, to send some one with the notices to the Natives?—Yes.

936. I pointed out in my memorandum that when you were of opinion that the rehearing had better go, there was no evidence of the service to these people?—I do not know whether that influenced my mind. It may have done. I was not satisfied.