

964. You will notice, do you not, that in section 46, that in case of a voluntary arrangement there had to be a minute made or record made. It says, "In every such record there shall be entered the names of the persons with whose consent and the names of the persons by whom the claim shall have been settled by such arrangement." Did you investigate, when you were asked about a rehearing in this case—did you look at the minute-book to find whether there had been any such voluntary arrangement made?—I have no recollection of what papers I saw, none whatever.

965. You are aware, are you not, now, that there was no such record of any such voluntary arrangement as contemplated by section 46?—I read from Judge Rogan's evidence that his papers were all burnt.

966. No; the minute-book is there?—That is, the Clerk's book.

967. You notice there are only two people who gave evidence—Renata Kawepo and Noa Huke?—Yes; I think that is so.

968. I mean those who were put in the grant. But it was proved before him that there were other people living on the ground whose names were not even mentioned to him. You were aware there was no such voluntary arrangement as was mentioned in this section?—No, I am not.

969. Is there any evidence of it?—None. I understood his papers were burnt.

970. Do you think his notes would come within the meaning of the proceedings of the Court under section 46? You are aware, Judge, that minute-books were kept by the Clerk of the Court?—The clerk's book, do you mean?

971. Yes. As chief executive officer of the Court, what would you look upon to be the record of proceedings of the Court?—My notes, very probably, as a record of the witnesses' evidence; but for the purposes of stating what Judges were present, the days on which they sat, and for the purposes of fees, I should probably go to the clerk's book.

972. Will you look at section 46, which says, "In carrying into effect the preceding sections or any of the sections hereinafter contained regarding partitions, the Court may adopt and enter of record in its proceedings any arrangements voluntarily come to by the claimants and counter-claimants." Would you call a Judge's notes anything of a record of proceedings when you say a Judge's notes are private documents, belonging to the Judges themselves?—I have always treated it so. If you consider who our clerks were—men temporarily picked up wherever we could get them—and that we had not sufficient establishment of our own, it is not to be wondered at that I should not trust to their notes.

973. If you treated the Judge's notes as final, was it not your duty as chief executive officer to have that record filed in the office of the Court? How otherwise could it be a record if it was their private property?—No doubt that is a forcible remark. They are always available, however, and always have been, for the public use.

974. But, you see, do you not think, looking at the words "minutes of proceedings," "record of proceedings" of these jurisdiction duties of the Court, that there was something more meant than merely the Judge's notes of what transpired?—If it is a record it is one, and if it is not it is not. But I tell you this: that for many years I have been struggling with Ministers to get a sufficient establishment, so that these things might be properly done; and I never succeeded in doing it, nor do I suppose any one else will.

975. But you are aware that the minute-book was treated as a record of what was taking place, because they seem to have entered proceedings in it?—Yes; the clerks entered all sorts of things.

976. And that is the only record you kept officially in the Court, even at Auckland?—I fancy all the Judges' notes were there who have left the service. So long as they are in the service they kept them themselves, because they are constantly referring to them.

977. But Judge Rogan says he had some of his notes, although the notes about this thing are burnt?—I do not know that.

978. Well, at any rate, there had to be a record kept of the voluntary arrangements, and owners had to be entered somewhere?—Yes.

979. You never saw any such record in this case?—I imagine I did not; but I have no recollection of what I did see.

980. At any rate, you advised the rehearing?—I see I did, because it is here.

981. I do not know that there is anything else except about this rehearing. When this rehearing was made, you had Mr. Dickey's notice?—What I said was inaccurate. I had only the *Gazette* notice, and not the Order in Council.

982. Are you aware that Mr. Dickey's notices do not agree?—Yes.

983. And one or other of them must be inaccurate, then?—Yes. The second one is an error in date, as far as I can make out.

984. One says it was heard or determined on the 20th December, 1876, and the other says it was heard and determined on the 31st October, 1877?—Yes; that is so. It is a blunder. The 20th December is wrong, and how it originated is a curious thing; I cannot make it out.

985. Now, you tell us that you allowed people to search the records at the Native Land Court office if they were interested: would you deem to be interested any person representing a claimant or counter-claimant, before either person was found to be an owner or otherwise, but no one else?—If a person was a purchaser, and had registered documents (a lease or instrument of disposition, or anything of that sort), I should look upon him as interested. He would have a right to see the papers.

986. Mr. Donnelly apparently wanted to know who were the applicants for the rehearing, I see. Did you know in whose interest he was applying?—He was applying in nobody's interest, so Mr. Dickey says.