

1112. You would have trusted to your memory, then. You would never have given an opinion without referring to your notes, or having something in your mind?—I do not think I should have referred to my notes in this instance.

1113. Very well. Then, you say here, “Mr. Locke, I believe, sent notices of the sitting of the Court to the applicants.” When you sent that you were not sure whether the Natives had had notices or not, when you referred to Mr. Locke?—Yes.

1114. Am I putting it correctly by saying that you yourself were not sure in your own mind whether the Natives had notices or not?—The only thing was that it was a general principle of the Native Land Court officers at Auckland to send these notices to the District Officers. Mr. Locke was District Officer—in fact Resident Magistrate in the Taupo District, and I assumed under these circumstances that he sent these things.

1115. I put it like this, then: Before you heard this case you had no direct evidence of the service of the notices, and you simply assumed that Mr. Locke had done what was usual in the matter?—Not exactly that.

1116. What then?—With regard to these notices, I might state that some short time—probably four or five days—after the Court sat at Napier—or probably it might have been sitting, but after the evidence was taken in these blocks—some Natives came from the interior. I could not possibly say if it was this Heperangi whose name is mentioned, but there were four or five young men. They were in Mr. Locke’s office, and I was asked to see them. I did so, and they raised the question about these notices. I asked Mr. Locke at the time if these notices had been sent, and I understood that he sent his messenger to these people. Can I go on a little further?

1117. Certainly?—This is, of course, merely from memory; but I think I have a clear recollection of it. I had a conversation, I believe, with this identical Heperi Pikirangi, and several others, in Mr. Locke’s office, and the conversation was shortly to this effect: “You have come from the interior?” “Yes.” “And have you any claim to this land that has just been passed through the Court?” “We have no claim; but there are a lot of old men inland who have a claim.” I asked, “Did you bring a letter from these people?” and they said, “No, we have brought no letter.” “Well, then,” my reply was, “we have got these old men. There are twenty old men and old women that have already been taken down, as it were, as joint owners with Renata Kawepo.” In consequence of this conversation that I had with these men at that time, about three months afterwards, when Heperi Pikirangi’s letter was referred to me—I think in Napier—that was the reason why I replied to the effect that this man was intentionally misrepresenting the case. He had time to come into the Court if he thought proper.

1118. But that only refers to the Kaimanawa?—Yes.

1119. I want to know about the Owhaoko. The reason that you gave for that was a different reason, I think?—The reason I gave the other day? I replied shortly to the effect that they had time to appear, and that it shows that they could have been there before any action was taken. They received notice on the 13th, and the Court sat on the 16th, and therefore I attempted to show that they could have been there before any action was taken.

1120. However, I am speaking of the Owhaoko?—Yes. The minute I have referred to was not my minute.

1121. You seem to have stated that Mr. Locke himself was not aware whether the notices had been served or not?—Yes.

1122. I want to know if you were at that time not sure whether the notices had been served or not?—I was not positively certain.

1123. May I say you were not satisfied in your own mind whether the notices had or had not been served?—I do not know exactly as to that; but it may be drawn from the minute I have written of these circumstances, when for the first time it came before my mind that they were counter-claimants to this block of land, and that, as I did not know the nature of their claim, it was proper for me to refer it to Mr. Locke, who was the District Officer, as to whether it was necessary to grant a rehearing. In fact, it would appear from that that, as these were counter-claimants, and as I did not know much about their claim, it would have been only fair for me not to interfere with the rehearing—that it would be only fair to let it be reheard.

1124. But the position is this: I want to know if you were in the habit of minuting in your notes anything about the service of the notices, or whether you only minuted the evidence called in Court?—I do not think I ever minuted anything with regard to the service of the notices. With regard to this matter, it was always the practice of the Native Land Court in Auckland—it was their duty to give the proper time and proper notice all over the country. I thought my duty was, when I received a letter from the Chief Judge, telling me to attend a Native Land Court, to go to the Court and pick up one of the notices that is printed, and read it out. If no one appeared, the case was struck out.

1125. And if any one appeared you went on with the case?—Yes.

1126. *Hon. Mr. Bryce.* You assumed, in fact, that the practice of the Court with regard to the service of the notice insured the services of them?—Yes.

1127. You took no evidence as to the service of the notice, and made no minute as to the service?—I made no minute that I know of.

1128. And took no evidence with regard to that service, and assumed that it had been made?—Yes.

1129. And that is the reason that you advised the Chief Judge to ask Mr. Locke about the service. You say, “I submit that Mr. Locke’s opinion should be taken on this application. He knows the people, and was the District Officer.” That is one of the reasons why you advised him to send to Mr. Locke?—Yes.

1130. *Hon. Sir R. Stout.* If it turned out that the people had not had sufficient notice—if you had that proved to you, would you have advised a rehearing if you thought that the Natives had not a chance of being heard?—I should have no hesitation in recommending it.