

Hetaraka further examined by me stated :—That Mr. Johnstone applied to him for payment, by letter, which letter and also the proceedings of the Runanga in respect thereof, are contained in his (Hetaraka's) Court book, given to Mr. Fenton at Raglan. Watene gave up the ten pigs to Johnstone as payment, and Johnstone afterwards shot the remaining pigs of Watene's on his (Johnstone's) land.

As to Mr. Johnstone's land occupied by W. Nero and his tribe, Hetaraka further stated :—That they agreed to rent the same land from Mr. Johnstone for cultivation (raising crops), but no precise payment or rent was fixed; the word used was 'utu' (payment) per acre. That land called Motutara is now occupied by the tribe on this agreement (tikanga)—the reason we have not paid any rent for the same is that we have heard from Mr. Wallis and his son that the land in question belongs to the Government (i.e., unsold) and not to Johnstone. When we are assured by competent authority that it is Johnstone's land we will pay him the two years rent now due for same.

Hemi Matene stated :—That he once saw three pigs eating a dead sheep on Johnstone's land. The sheep was full grown. Has never seen any pigs eating or killing lambs, though he was in the habit of constantly passing over this land. Johnstone's place near the house is fenced, but the whole block of land is unfenced.

Nikorima stated :—That the Runanga agreed to give Johnstone ten pigs, leaving four—one sow, and three young pigs belonging to Te Watene. Johnstone agreed to take the former, but afterwards he shot this sow. Te Watene missed the sow, and went to search for her. He found the carcase buried, but the legs and shoulders were gone—i.e., only the trunk left. The entrails were not quite covered, and that was how he found the sow. Te Watene accused Johnstone of having shot the sow. He denied it at first, but afterwards admitted he had shot her. Te Watene then said he would not give Johnstone the ten pigs.

I could not find Te Watene and Ihaka at Whaingaroa. They live inland some eight or ten miles, and I was too much occupied to go and see them. I got no other evidence than the above at Whaingaroa. On the 16th April, I examined Ruihana and Tamehana on this matter at Maraetai, Waikato Heads.

Tamihana stated :—That he made no agreement with Mr. Halse, to cross the sheep free of charge. Perhaps Ruihana said something of the kind when he was angry. When Johnstone's shepherd came here, he brought a letter to me from Johnstone, proposing 6d. for crossing a sheep, and 3d. for crossing a lamb. I sent the man back to ask Johnstone to consent to 3s., or 2s., or 1s. per head for crossing the sheep, telling him at the same time that, if I only was concerned, I would cross them for 6d. Johnstone refused. I did not agree with Mr. Halse to cross the sheep without payment. Nga Waka (Tikapa's party) got the grass money. He is a friend of mine. The money paid for crossing the sheep was divided amongst a number of people—some of them women and children. Ruihana was the cause of the sheep being detained.

Ruihana stated :—That he was the cause of the sheep being detained, in consequence of his quarrel with Tamihana. He had no cause of quarrel with Johnstone. After Tamihana, Mr. Halse and himself had talked the matter over about the sheep. He said, "Kati me whiti noa atu nga hipi." He did not cross them himself. That sentence, 'kati, &c.,' may possibly have been intended by him as a simple renunciation of his claim to interfere with the crossing of the sheep—not as an agreement by him to cross them free of charge, but Mr. Halse himself will know this.

This is all the evidence I have taken on this matter.

There seem to be two separate complaints of Mr. Johnstone, or at least they resolve themselves into two only :—

1st. As to lambs being destroyed, and pasture feed consumed by Native pigs at Raglan.

2nd. As to ferry charges being demanded at Waikato, contrary to agreement; and grass money.

1st. I would observe that Mr. Johnstone has not proved that the lambs have been destroyed by the pigs. My own experience in sheep farming, confirmed by more competent authorities whom I have consulted, is, that pigs, if running with sheep at lambing season, will devour the young lambs as soon as the act of parturition takes place, or before the lamb is strong enough to run about, but seldom, if ever, afterwards; and, invariably in these cases, the whole lamb (bones and sinews) disappears. His asking the Runanga to go and see the bones of the dead lambs, is a strong presumption against him. Further, Mr. Johnstone might be able to adduce evidence that the pigs had killed the lambs; but as he refused to meet me on my return from Kawhia, I was justified in proceeding *ex parte*, and in presuming that he had no such proof. I, therefore, am of opinion that he has failed in establishing the allegation that the Native pigs have destroyed his lambs.

In consequence of his absenting himself when I was prepared to go on with the enquiry, I have no proof that the clover was growing on his land; or, if growing, that it was consumed by the pigs. The Natives admit that the pigs were running on his land, but they inform me that Te Watene would be able to prove that they were there by Mr. Johnstone's consent.

That does not appear in the evidence forwarded herewith but I had such information given me. W. Nero's proper remark that Mr. J.'s clover was, in his estimation, the same as flax and fern, in consequence of being unfenced, seems to have been construed by Mr. J.'s heated imagination into an insult—whereas nothing of the sort was ever intended by Nero.

This allegation that the Clover was consumed by the pigs has in my opinion also failed for the reasons above stated.

I think the Natives of Whaingaroa have acted very generously towards Mr. Johnstone in agreeing to give him compensation on his bare allegation (without a shadow of proof) that he had sustained damage at their hands, and if by his violent proceedings (shooting pigs) he has lost such compensation it is no more than can be expected under the circumstances.

2nd. It seems to be very doubtful from Tamihana's and Ruihana's statements whether they ever agreed to cross Mr. Johnstone's sheep free of charge. Mr. Halse might be able to throw some light on this subject from his notes made on the occasion.

Grass money has evidently been paid by Mr. Johnstone but from his furnishing me with no information thereon I cannot report any amount.

The sheep were also detained at Waikato Heads without any fault on his part—but again I have no information from him, as to time, to guide me in advising the Government as to what compensation (if any) should be paid to him; nor as to loss of Wool has he produced any evidence whether that loss occurred by the detention of sheep at Waikato Heads or otherwise.