

344. What was the mistake?—The mistake was that the Clerk is ordered to make a minute of which it would have been necessary only to say, in few words, "Receipt acknowledged of plan from Mr. Maney of block of land of twenty-eight thousand odd acres," without another word. Instead of doing that, the Clerk goes to another sketch-map of the Owhaoko. He did not pay much attention to it, I suppose. He had one plan, and he went to the sketch-plan, which was not a correct one, and put down "164,000 acres." It seems to me to explain a good deal of the difficulty with regard to these papers altogether. If the proper entry had been made Sir Robert Stout would never have had these photographed. The proper entry would have made the papers much more intelligible.

345. *The Chairman.*] I understand that there were Owhaoko, Owhaoko No. I., and Owhaoko No. II.—three separate blocks?—Yes, that is so.

346. *Mr. Bell.*] I understand that your Clerk made an entry with reference to the large block instead of the other?—Yes; that is the case.

347. Now, these alterations on pages 413 and 414 were made by Mr. Wood. Were they made by your instruction? Did you interfere with reference to this minute at all?—Not, to the best of my recollection. If I had seen this minute of the order at this time the probability is I would have sent the clerks out of the office altogether. Instead of my seeing it, to the best of my recollection the first time I discovered it was on Friday morning last. I was reading over Sir Robert Stout's memorandum, and I have read it several times in Auckland, and the copy I had at my lodgings was turned up just in that manner [as shown by witness]. I had read the papers over several times, and after breakfast on Friday morning I turned to this order, and the moment I saw 164,000 acres, "Why," said I, "this explains all. I could always explain why I wrote 28,000 at the Court at Porangahau; but if I am asked how this 164,000 acres was there I do not know what reply to make;" for it was not in my knowledge that I had anything to do with the 164,000 acres then. Now I see that the Clerk has taken it from its proper place, and brought it into Porangahau, without any reason whatever that I can see.

348. Then you say Mr. Brooking did not make the note you directed him to make?—Yes; and I repeat that it was only about Friday morning that I discovered this.

349. Then I understand you to say that you did not direct Mr. Woon to make the alterations on pages 413 and 414?—Well, if I had done that I should have seen this, most certainly. I am by profession a surveyor, and I know all about plans. I have made these orders for twenty years, and it would be ridiculous for me to make an order for 164,000 acres when I had no plan before me. It never came before me for several months afterwards.

350. And you made an order for the memorial when the proper plan was made?—Yes; several months afterwards. It was impossible to make such an order as that, because it will be seen that, except the map for the 28,000 acres which Mr. Maney gave me, there was no map for nearly a year afterwards.

351. Then when you got the plan you made the order?—Yes. May I say, Sir Robert Stout, that if you have gone over the papers you will see what I have stated to be correct?

*Hon. Sir R. Stout:* Yes; I quite agree with your explanation, Judge. I think it is perfectly right.

*Mr. Bell:* Except that you say no order was made at all?

*Hon. Sir R. Stout:* I say so still.

352. *Mr. Bell* (to witness).] You have already said that it was the practice of the Court you followed when there was no survey before the Court?—Yes; in several instances it was done because there could be no plan.

353. Did you determine the title to the land—in whom it lay?—I did.

354. On what date did you determine that?—On the 1st August, 1876.

355. At Napier?—Yes.

356. *Hon. Sir R. Stout.*] Suppose you had died in the meantime, where was the record of the order?—Well, I do not know.

357. *Mr. Bell.*] Do you know how it was that the memorial as drawn up referred to the 2nd December?—Yes.

358. Look at page 6. You say, "At a sitting of the Native Land Court of New Zealand, begun and holden at Porangahau, on the 2nd day of December, 1876, before John Rogan, Esq., Judge, and Honi Peeti, Assessor, in the matter of the application of the persons for the investigation of their claims to be interested in the blocks of land named in the first column of the schedule hereto, it was ordered that a memorial of ownership of the several persons respectively named in the third column of the said schedule be inscribed on a separate folium of the Court rolls." Is that correct?—No, that is not correct. I have already stated that there was a blunder in the 164,000 acres.

359. *Hon. Sir R. Stout.*] And, consequently, your certificate was wrong?—It was not wrong, in my point of view; because I have made nearly all the orders from the East Cape just in the same manner I have made this.

360. I mean wrong in so far as it states that you had this matter before you at Porangahau?—Yes, it is wrong.

361. *Mr. Bell.*] You mean it is incorrect in its statement of the date and the place where your determination was arrived at?—Yes.

362. In whose handwriting is that entry on page 446?—That is in Mr. Woon's handwriting.

363. Just read it?—"Owhaoko. At a sitting of the Native Land Court, held at Gisborne, Poverty Bay, 31st October, 1877, it was ordered, That a memorial of the ownership of Renata Kawepo, Ihakara Te Raio, Retimana Te Rango, Noa Huke, Hira te Oke, and Karaitiana te Rango of a parcel of land at Patea, in the District of Wellington, containing one hundred and thirty-four thousand six hundred and fifty acres (134,650), and known by the name of Owhaoko, be inscribed