

He came up to me on one occasion and said, "Did you ever kill a man?" and shook his fist at me. That was the kind of man I had to deal with in those days.

1162. *Mr. Stewart.*] You say you attached great importance to his evidence?—Yes; because he was a chief of great importance.

1163. But you do not seem to have examined him about any details about this block?—Yes, that is so.

1164. The evidence given before you—the sworn testimony—pointed out that there were Natives who had a claim to the land. That appears?—Yes, that appears on the evidence.

1165. Was it usual, then, when you found out the Natives who had a claim to the block, to award the land to other Natives, leaving them out?—Yes. I have done it frequently, all over the country.

1166. Why did you do that?—Because, under the circumstances, such as were before me, I could do nothing else. Renata was the chief, and he came forward, and I could not obtain the names of any other people than those who were on the grant of Renata.

1167. Then the fact is this: that you knew of other people who had a claim, but, as Renata refused to give you their names, you awarded the land to Renata and the names he gave you?—Yes; and I have done that repeatedly.

1168. *Hon. Mr. Bryce.*] But you stated before that you would have put these names on if you could have got them?—Yes.

1169. *Mr. Stewart.*] If you had got them you would have been satisfied as to their title to the land. In fact, you would have put them in the grant?—Yes, decidedly.

1170. *Hon. Sir R. Stout.*] There was one name you did not put in, although you got it—Matthew Taruarau?—Yes, that is quite right: I did not put that name in because they showed me that it was a matter of arrangement between themselves in this—that they decided amongst themselves, evidently agreeing before they came into Court, that there should be certain names go into the one block, and a certain number of names in the other.

1171. Yes; but you had no proof of it. Had you any proof of that?

1172. *Hon. Mr. Bryce.*] I would like to ask you, as was asked Judge Fenton, whether that would not have been a good reason for adjourning the Court—viz., the knowledge that there were other Natives whose names would have been put in if you had known their names. Would not that have been a good and sufficient reason for the adjournment of the Court—in order to get these names?—Renata and these people were perfectly satisfied. You see there was a school reserve, and there was an arrangement the object of which was that Renata was going to form a kind of small settlement there for these people, and they were all his particular relatives.

1173. *Hon. Sir R. Stout.*] That was not Kaimanawa?—No; this was the other block.

1174. *Mr. Stewart.*] You were a peripatetic Judge, I suppose?—Yes.

1175. You were so?—Yes.

1176. When you came to a Court—I mean held a Court—say, at Gisborne or Napier, or any particular place, were there any preliminaries which you did before you went on the bench? Did you do anything to see if the cases were right, or anything of that sort, or was that assumed by you to be all correct?—That was assumed by me to be all right.

1177. Did the service of these notices—the duty of seeing them served—devolve on you as Judge?—I did not consider them devolving on me, according to the practice of the Court.

1178. And you say that you assumed that the officers of the Native Land Department had done their duty in that respect?—Yes.

1179. Now, with regard to this question of rehearing. Supposing certain parties to the previous judgment were dissatisfied, and gave notice of application for a rehearing, understand, and that application was granted, and the day fixed for the case to be heard arrived, and these parties intimated to the Court in writing that they withdrew their application?—Yes, I understand.

1180. Well, then, supposing you went to the bench on that day, what would you do under those circumstances?—Under those circumstances, the first thing I should do would be to take up the notice for the application for rehearing, and read it in Court, and, as it were, call to know if there were any persons who came forward to claim for this rehearing. If no one appeared, I should have treated it as I should have treated any ordinary case.

1181. Supposing the parties who applied for the rehearing appeared in Court, and said, "We do not wish this rehearing to proceed"?—Yes.

1182. And that other persons who have been no parties to the previous decision were to come forward in Court and say they wished the rehearing to proceed—what would you do under such circumstances—that is to say, the original applicants for the rehearing wishing to withdraw, and certain parties not parties to the original judgment, who claimed an interest in the land, wishing the rehearing to be gone on with?—I was never placed in that position. But what I would do—I should be disposed to hear them, and ascertain their claims to the land.

1183. You would proceed to hear the case, in fact, disregarding the application for withdrawal?—Yes. I should certainly have some complete understanding that the persons who made the application, and those who came into Court who were not in the application who claimed to be reheard. I should not dispose of it without making full investigation.

1184. Supposing these persons who were not parties to the original judgment had proved to your satisfaction that they had an interest in the land, would you approve of upsetting it and giving a fresh judgment amongst all parties?—That would be the course I should adopt.

1185. You would treat the rehearing as an original hearing?—Yes.

1186. *Hon. Mr. Bryce.*] Let me put it this way, as a case in point: A, B, C apply for a rehearing; and A, B, C, the same people, write to the Judge or the Minister, as the case might be, withdrawing their application. The Court meets for the purpose of a rehearing, and the people who made the application and withdrew it are not in the Court at all; but certain other people who