

69. Was this inquiry held at this date, December, 1876. The order of the Court is dated 19th February, 1877, and should agree with the Gazette notice. On the question of re-hearing, the 58th section of the Act fixes the limit to which an application for a re-hearing can be entertained—namely, six months from the date of publication in the Gazette. So that the applications for a re-hearing would hold good up to the 16th of October. All the applications for a re-hearing were received before that date. On the 28th June, 1877, the Judge gave an order in which the freehold tenure of this land should vest in Mr. Cooper from the 28th of June, 1877, and this was during the time that the question of a re-hearing was pending. The issue of that certificate led to the order being placed upon the provisional register of the district in which the land was situate, under the 10th section of the Land Transfer Act. The 12th section of the Act reads:—If the Governor in Council shall annul any such order by ordering a re-hearing, all entries on the provisional register shall be cancelled.

70. Does this mean it shall be absolutely cancelled?—I understand that to be so. On the Native Office becoming aware of this document being registered, steps were taken to lodge a caveat to protect the Crown's interests, and a caveat was lodged.

71. The caveat was lodged on the advice of Mr. Reid?—Yes. I next call attention to the deed between the Natives and Cooper, in which he claims the right to this land. It is dated the 9th of January, 1877, some time before the Court's order was given for the land to vest in those Natives.

72. The order was made subsequently to the date of this agreement?—Exactly.

73. Has it been made to antedate in this case?—I am not aware of it.

74. The terms of this conveyance appear to be in the usual form?—Yes. I would call the Committee's attention to the 87th section of "The Native Lands Act of 1873;" I will now put in the documents on which Mr. Wilson entered into negotiations for first the lease and afterwards the purchase of this land. The agreement to lease is dated 30th January, 1875, and for the purchase 23rd November, 1875.

75. Were these Natives the real owners of the land?—No; but at that time the land had not been through the Court, and the owners were not known.

76. The Natives from whom the Government made a purchase appear not to have been the real owners?—The Court so decided. Hence the question of re-hearing.

77. Then, Mr. Gill, in reference to the lease and the purchase, if they were not made with the real owners, of what value are the transactions?—The land is proclaimed under the 42nd section of the Immigration and Public Works Act as land required for public purposes.

78. *Mr. Rolleston.*] Do you think it therefore immaterial whether the negotiations have been made with the real owners?—I will not go the length of saying that. Everything that could be done was done at the time. The intention of the Government was to acquire the land.

79. *The Chairman.*] It was a real attempt on the part of the Government to possess themselves of this land?—That is all I wish to shew. The blocks known as Tauwhareparae and Parariki is land for which the Government have advanced to the Natives on account of purchase £2880, and survey and other expenses amounting to £580. That is not intended only for this Waingaromea No. 2, but for land in which Waingaromia No. 2 is included.

80. What proportion does that No. 2 form to the whole?—28,745 acres out of 74,000.

81. *Mr. Rolleston.*] The applications for a re-hearing have been referred to the Chief Judge, I understand?—Yes.

82. And I understand that he has advised that a re-hearing ought not to be granted?—Yes.

83. *The Chairman.*] How far do the Government attach weight to such a recommendation of the Chief Judge?—It is a question that I can scarcely answer.

84. Do you know of any cases where a re-hearing has been granted contrary to the expressed opinion of the Chief Judge?—I am not prepared to say now, but will be at the next sitting of the Committee.

85. Do you know how the applications for a re-hearing came to be made? At whose instance they were made?—I have no knowledge, further than their being received in the office.

86. Were they spontaneous?—The office knows no more than having received them.

87. You have no reason to believe they were anything but spontaneous?—None at all.

88. I understand that most of your evidence has reference to Waingaromia No. 2?—Yes.

89. In what position does No. 3 stand? Is there any proclamation respecting this No. 3 in the Gazette dated January, 1878?—Yes. Waingaromia No. 3 is part of the block known as Waihora, notified as land required for public purposes in Gazette No. 26, May 4, 1876. Mr. Wilson entered into an agreement to purchase this land, about 16,400 acres, in June, 1875, on behalf of the Government.

90. *Mr. Rolleston.*] Please show me the provision in the Act under which the Court assigns to Mr. Cooper this order, saying that the ownership vests in him on the 20th of June?—Section 61 bears on this, but no memorial of ownership has been issued for the land.

91. *Hon. Mr. Nahe.*] Has the memorial of ownership ever been issued for this land?—No; it has not been issued.

92. *The Chairman.*] The order of the Court has issued for the memorial of ownership?—Yes.

93. Is it usual to go a step further, and issue the memorial of ownership?—Not while the decision for re-hearing is pending.

94. In cases where there is no such decision pending, is the memorial of ownership issued?—It would follow in the usual course, seven months after the day of hearing.

95. Have any such memorials of ownership actually been issued?—Several.

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96. *Hon. Mr. Nahe.*] Have you any other evidence to give with respect to block No. 2?—I have confined my evidence to No. 2. The Government had purchased interests in block No. 3 from the grantees. Two of the grantees in this block have assigned their interest to the Crown. In January and February, 1875, Mr. Wilson, as Land Purchase Officer, entered into an agreement for the purchase of three blocks—namely, Ngatawakawaka, Natatuotonga, and Poremungahua. I hand in the three agreements for the purchase of these blocks.