

*Hon. Sir R. Stout* : I may add that a copy of that paper was sent to Mr. Bryce and Mr. Rolleston privately, because it concerned themselves, as they had been Ministers in the Administration when these transactions occurred. I then stated to Mr. Bryce, as he has already said, that I did not mean to charge you, as apparently some papers appear to think, and as I stated plainly before ever the paper was published.

*Mr. Fenton* : It is very satisfactory to me to hear that, and I am very much obliged to Mr. Bryce for what he said. It now remains to ask if there is any way of making this public before I go to Auckland.

*The Chairman* : No, Mr. Fenton. Nothing that passes here can be made public until the Committee have reported.

TUESDAY, 20TH JULY, 1886.

Mr. T. W. LEWIS examined.

1419. *Mr. Bell.*] What is your name, Mr. Lewis?—Thomas William Lewis.

1420. You are Under-Secretary for Native Affairs?—Yes.

1421. How long have you been in the Native Office—since before 1873?—I was appointed Chief Clerk in the Native Office on the 1st January, 1873, but I acted as Private Secretary to Sir Donald McLean, who was Native Minister, from the time he came into office in 1869.

1422. You were in the Native Office, therefore, when the Act of 1873 was passed, and during the whole time that the Act of 1873 was in operation?—Yes.

1423. Did you know, in the Native Office, whether the provisions of the Act of 1873 were adhered to by the Native Land Court?—The Native Department was aware that the Act of 1873 was not carried out in all its provisions.

1424. Did you ever form any idea as to the cost of carrying out the provisions of the Act of 1873 strictly?—I never went into any calculations upon the subject; but I know that it would have cost a considerable sum to have carried out all the provisions in regard to District Officers and their duties as laid down by the Act.

1425. I want to call your attention to the sections of the Act from section 21 to section 32, which provide for the duties of District Officers. The District Officers, you see, were executive officers appointed by the Government—they were not officers of the Native Land Court—and their duty was to hold a kind of preliminary inquiry, and ascertain generally the title of Natives, including the preparation of skeleton-maps, &c. Do you know whether that was ever carried out by the District Officers?—I believe those duties were never carried out by the District Officers.

1426. Do you know whether the Government ever called upon them to do so?—My recollection of the matter is that a correspondence ensued shortly after the passing of the Act with regard to the question of the duties of the District Officers; and the difficulty of carrying out those duties, as laid down by the Act, was pointed out by the Chief Judge. The duties of the District Officers ultimately—in fact, shortly afterwards, I think—resolved themselves into stating whether the surveys could be safely carried on.

1427. By “safely” you mean with regard to the peace of the country?—Yes. And in some cases the District Officers attended the Native Land Court to watch the proceedings on behalf of the Government in connection with the Government titles.

1428. This is the point I want to bring your attention to: Did not the department recognize that the Judges of the Native Land Court could not be expected to know upon whom notices had been served—whether those persons most likely to be interested had received notices? Did not that strike you, as Chief Clerk in the Native Office? Judges sitting at Auckland, for instance, could not be expected to know what notice would likely be required by persons interested in a block situated at Taupo or Patea?—Well, I do not think I can answer that question in the way in which it is put. I had better explain that the Native Land Court under the Act of 1873 was under the administration of the Chief Judge, and the Native Office had really nothing to do with the internal working of the Court, and had very little knowledge of the way in which it carried on its work. It was only in 1882, during Mr. Bryce's term of office, that the administration of the Court was brought directly under the control of the Native Office.

1429. But I am asking you as to the duties of the executive officers. Who were the District Officers acting under—the Native Office or the Native Land Court?—I am not aware that the District Officers ever carried out any duties in regard to the issue of notices: the issue of notices was always, I think, carried out by the Court itself.

1430. Not the issue, but the serving of the notices. And the holding of a kind of preliminary investigation, which, it appears, they were expected to hold in the terms of the Act?—That is a portion of the Act which, I believe, was never carried out—as to the preliminary investigation.

1431. I put it to you this way, then: Were not the District Officers officers of the Native Office, and not of the Native Land Court?—That is a question of law, I think.

1432. What do you say, as Chief Clerk of the Native Land Office? I suppose we may ask you that. Do you say they were officers of the Government or the Native Land Court—the District Officers, I mean?—I should have said that as District Officers they were officers of the Court, had the duties been carried out. In fact, they were custodians of the Court-rolls, and so on.

1433. Had the Court any funds with which it could provide District Officers with money for the purposes of carrying out the duties laid down by the Act?—For the purpose of the District Officers' duties, No—not to the extent laid down by the Act.

1434. To any extent at all had the Court funds to provide District Officers?—The Court had no funds under its control. The salaries and contingencies of the Land Court are appropriated by Parliament, and expended under control of the Native Department.

1435. Just so. The Native Department provided funds for the purposes of the duties of the District Officers?—Yes.

1436. *Mr. Stewart.*] Under whose instructions did these officers act—those of the Chief Judge or the Native Office?—The difficulty arose immediately after the passing of the Act, with regard to