

bition being taken off, and that others were against it?—Yes; I have already read correspondence from certain Natives asking that the restrictions might be removed. This matter was opened, Sir George, before you came into the room, with a memorial, signed by ten grantees in one case and seven grantees in the other, praying that the restrictions be removed. Most of the correspondence as to removal or non-removal of restrictions has been with Natives who are not in the grant at all, but who, it is alleged, are interested in the block. For instance, almost immediately following the letter referred to in the petition there was a letter from Te Wheoro and Hori Kukutai, both protesting against the restrictions being removed. Mr. James Mackay, however, reported that neither Kukutai nor Te Wheoro had any interest in the land.

44. Did any Court sit to inquire into the subject?—The only Court has been the Native Land Court.

45. I mean the subject of application being made for taking off these restrictions?—No inquiry beyond the official inquiry of the department.

46. What I mean is this: that, in all European communities where restrictions of that kind exist for the protection of certain persons, it is only a Court of the highest instance that can order such restrictions to be taken off: because there might be very remote interests unknown. Te Wheoro and Kukutai may be interested here to some extent. In the case of a death, there might be no immediate interest, but remote interests would be considered. What I ask is, did any Court sit to inquire before restriction was taken off?—No restriction has been taken off; what was done was to direct the letter to be written which I have read, after the inquiry made by the Native Department from Mr. Mackay.

47. But no Court of law has inquired into the matter; or Court of equity, like the Court of Chancery?—No.

48. Then all you have is Mr. Mackay's opinion?—Mr. Mackay's opinion seems to have been what led the Government to think that the restriction should be removed.

*Major Jackson:* And the application of the Natives interested?

*Sir G. Grey:* Some Natives interested.

*The Chairman:* All that sold.

49. *Sir G. Grey.*] Did any Court sit to inquire into the matter?—No.

50. *The Chairman.*] Do you know what lands these Natives that sold have remaining?—No; I do not know.

51. Could you ascertain?—I will make inquiry from the Land Court.

*The Chairman.*] I think it would be necessary for us to know if this is the only land they have.

*Major Jackson.*] I know that some of these Natives have large interests in lands besides these.

52. *The Chairman.*] You would be able, Mr. Lewis, to find that out from your Native Agent in the Waikato?—Yes; or from the Land Court.

53. You state that Natives have applied to have the restrictions taken off?—Yes; in 1873.

54. Do I understand you right that the grantees applied to have the restrictions remain on?—I do not recognise them in the correspondence. I may be mistaken; there might be but I do not think there are any grantees who have applied to have the restrictions remain on.

55. I suppose that restrictions against alienation have been removed in regard to land situated similarly to this?—Yes; in a great number of cases where ordinary restrictions had been imposed in the grant.

56. When you say land in a "similar position" you mean land with the same kind of restriction, imposed by the Native Land Court?—With respect to the removal of restrictions, the custom has been that inquiry is made by the Native Department as to whether the removal of the restriction is in the interest of the Natives, and if the applications are *bona fide*; and if no objection appears they have been removed.

57. Are there restrictions put on by the Court that cannot be removed except by the Court, and restrictions by Proclamation?—There is one class of restriction which is not removed except by legislation, or cancellation of grant: all removable restrictions are worded as removable by and with the consent of the Governor.

58. *Major Jackson.*] Without reference to the Court at all?—Yes; without reference to the Court. I should mention that in this case the form of recommendation is that an absolute restriction be imposed. And, if the grant issued as recommended by the Native Land Court, then nothing but an Act of Parliament, or cancellation of the grant, could remove the restriction.

59. *The Chairman.*] It appears that the Natives have not remonstrated in any way against the restrictions being taken off. They are satisfied; they sold the land to these parties and got the money—to Mr. Every Maclean, first; is that not so?—There is no exact information as to the different ownerships. The land appears to have been first leased to Mr. Hamlin, then to have passed to Mr. Every Maclean and his brother, and from them to Captain Fergusson.

60. There would be no injury done to the Natives if these restrictions were taken off?—Not to the grantees. The contention at first was that these grantees simply represented others.

61. Do you know any blocks that have been subdivided where the ten grantees are put in?—I do not call any to mind; probably there are.

62. *Mr. Ormond.*] What is the practice with regard to dating Crown grants issued when the restrictions are withdrawn; does it bear the date when the restriction is removed, or is it ante-dated?—I cannot answer the question. I believe that in most cases the date of the grant is the date when it is signed by the Governor; but in many cases it is necessary that the date should be the same as the order of the Native Land Court, and an authorising clause is inserted in such grants. If the Governor were recommended at the present time to do away with the restriction recommended in this case, and the Crown grant were to be issued in the ordinary way, it would be necessary to do in this case as in the others—that is, to antevest the estate in the land from the date of the certificate.