

not passed then. This is what happened: In one case, in which I had an account against Major Te Wheoro for £47 18s. 9d., the Assistant Surveyor-General, Mr. Percy Smith, certified for £64, and when that case came on for hearing here I was asked by Judge Macdonald if I claimed £64, and if I thought it a fair and reasonable charge. I told him that I did not think it a fair and reasonable charge, but that I thought £47 18s. 9d. was fair and reasonable; that the Surveyor-General, however, had certified in this case for £64, while in some other cases he had certified for a less sum than I had claimed; and that if the Court were going to take the higher and the lower amounts together I would be quite agreeable to that course. But the judgment of the Court was that in no case could I be awarded more than I claimed. So in this case I got judgment merely for the £47 18s. 9d. In the next case Mr. Percy Smith certified for £20 less than I claimed, and the Court said that I must take the lower sum in all cases. When my claim was less than the amount certified I must be content with the amount I claimed, but when Mr. Percy Smith certified for less than I claimed, I could not be awarded more than the amount he certified for. In that way about £200 was knocked off the aggregate amount of my claims.

946. Can you give us a copy of the form of certificate and of the lien?—I will give you one this afternoon. [The witness subsequently handed in a copy of the desired form.]

947. That is on the 10th January, 1888: were there many of the orders in respect of the £600 claimed by you given in your favour?—I should think about thirty—all my claims.

948. Did you get the money?—I got the money for about four of them. I got about £180 out of £600. The way in which I got these was this: Europeans purchased the land, and they had to pay for the survey before they could get a title.

949. That is to say, you got the money not from the Natives, but from European purchasers?—Yes; only from the Europeans who purchased.

950. Did you find no power under the Act to enforce your claims against the land?—I did; and three representations were made by myself and my solicitor; and there is no man in a like predicament. Clause 5, of the amending Act of 1888 repealed several of the clauses of the Act of 1886. When that clause was passed by the Government there was power to make these survey-claims a charge, in the character of a mortgage, against the property when it became registered under the Land Transfer Act. Then there was the difficulty of getting it registered under that Act. I may state, in respect of this £407 for the general survey, that the Government up to this time have taken no steps to recover under the Act. Two months after I got judgment they cut up this £407 into a number of subdivisions (twenty-two), spreading it over the land, and then registering it in the Native Land Court as a lien the Government had over the land. When I asked to have my charging-orders registered by the Native Land Court I was told that it could not be done because of the Government's prior charge over this land; and that until it was paid off they would not register mine; but that if I liked to pay this £407 to the Government they would allow my register to be made. I had a letter from Judge Smith recently about the matter I speak of, and he states that he has exhausted the law on the matter, and finds that he can do no more.

951. Then you have got no security nor no payment?—No.

952. *Mr. Mackay.*] The matter is still in abeyance?—I have been fighting it in different Courts in different places for the last six years, and I have almost given up hope.

953. *Mr. Rees.*] Of your own knowledge are there surveyors in a like position?—Yes; quite a number.

954. On different points, I suppose?—On similar points; practically non-payment by the Natives or Government.

955. I suppose, if the Government were to pay these charges, they themselves could have no difficulty?—None at all, because they could retain the title to the land until the charges upon it were paid; and formerly did so.

956. Is that privilege not accorded to private surveyors?—Well, it is not accorded the Government by law, but they do it without either law or anything else. Here is a draft copy of the last letter I sent to Judge Smith—it shows how this is done by the Government: "Referring to my letter to you of the 7th instant, complaining of the non-registration of my survey liens or charging-orders, in accordance with the Act of 1886, section 81, and with the Amendment Act of 1888, section 25, and your replies thereto on the 9th and 13th instant respectively, I beg respectfully to submit that, when the charging-orders were made by the Court in my favour, there were no liens of the Government or any other persons on these subdivisions. The only claim the Government had filed on the Court papers (in Maungatautari No. 4) was against an area of 21,000 acres on the 3rd November, 1885, of £409 12s. 6d. for Mr. Tole's survey; and they ought to have collected that amount before the subdivisional survey was allowed to proceed; but they neglected to do so, and until after I had obtained my charging-orders on the 10th January, 1888, when, on the 15th March following, the Assistant Surveyor-General furnished the Native Land Court Department with a pencil memorandum showing how he proposed to divide the £409 12s. 6d. claimed by him for Mr. Tole's survey of the outside boundaries of the block, over the subdivisions surveyed by me, and over which I then held charging-orders. No Court was held to inquire into these claims; but Mr. Hammond, although refusing to record or register the Native Land Court's own charging-orders in my favour against the titles, so far as they had gone in the Native Land Court, of these properties, actually, two months after the date of my orders, allows this old claim of 1885 for £409 12s. 6d. to be split up into twenty-two small claims, and recorded or registered in the Native Land Court as being twenty-two Government liens, for which orders were never made by the Court, to the exclusion of mine, for which I had obtained the orders of the Court. And, even if they had obtained an order of the Court for these twenty-two liens on the 15th March, 1888, I am entitled to precedence of registration, as my orders are dated 10th January, 1888, and there is no order of any date attached to the Court papers for these so-called liens or 'outstanding claims of the Government.' According to 1886 Act, clause 81, the procedure provided for a certified surveyor to