

2113. Was it in relation to these surveys that the letter which you referred to in your opening statement had reference?—Yes.

2114. That letter, I believe, has a statement that Judge Smith has not given in his report?—Yes; and that was the subject of the interview I mentioned. Here is the letter which I wrote to Judge Smith in January last calling his attention to this matter: “Nelson, 5th January, 1891.—*Re* Mokau land under petition by A. Owen.—Sir,—the above applies to the Mangapapa Block, before the House of Representatives since 1887, and now learning that a movement is on foot to create or give a title of the land to other persons, as adverse to the interest of the petitioner, who is apprehensive that you may not be conversant with the facts, I therefore beg to invite your attention to the following: (1.) That the claim, if any, of Messrs. Russell and Morrin is based from the late Neville S. Walker through jobbery and fraud. (2.) That the claim, if any, of the Mokau Coal Company (who are illegally in possession of a portion of the block) is based in contravention of the restrictive Acts of 1883 and 1884, and is amenable to the penal character of those laws. (3.) That the Hon. the Premier has, under a pledge to the House, assented that a Royal Commission of inquiry into this case be appointed, and that the land in question would be held prohibitive to be dealt with till that inquiry is carried out. This is on record, and can be substantiated in its proper place. (4.) That, in the face of the foregoing plaint pending, I am sure that you will deem it just and fair—in the event of any action that may be done by you departmentally with the view to facilitate a title to any person or persons to the land in question—that you will be good enough to forward notice or copies thereof to the undersigned, and oblige.—I have the honour to be, sir, your most obedient servant, HUGH OWEN.—To His Honour the Chief Judge, Native Land Court, Wellington.”

2115. Did you get a reply to that communication?—Yes. Here it is: “Native Land Court (Chief Judge’s Office), Auckland, 13th January, 1891.—Sir,—I have the honour to acknowledge the receipt of your letter of the 5th instant, with reference to the Mangapapa Block, and in reply to inform you that I am not aware of any proceedings in this Court with reference to the purchase.—I have the honour to be, sir, your most obedient servant, H. G. SETH SMITH, Chief Judge.—Hugh Owen, Esq., Nelson.”

2116. Are you aware of anything having been done in relation to that land besides surveying it?—Yes; they were lately taking fresh signatures.

2117. With a view to lease or to purchase?—For leasing, as I believe; I cannot say, however, which it is. Within the last fortnight Mr. Richmond has taken a Magistrate there, along with a licensed interpreter, and is now taking signatures of Natives with a view of obtaining a title.

2118. Who is the Magistrate?—Mr. John Purdie, J.P., of Waitara.

2119. At any rate, you have heard that a lease of the Mangapapa Block is being signed?—Yes; they are now obtaining fresh signatures. Here is a printed statement of the position of affairs. [Printed paper produced.] We are prepared to maintain the facts therein set forth.

2120. We cannot enter into the disputes of particular parties, but we can take evidence with regard to any operation of the Native-land laws that is found to be objectionable, or to any breach of the Native-land laws committed by any party. You say that that printed statement explains your position?—Yes; our position in 1887.

2121. Is there anything else beyond what is set forth in these papers that you wish to say?—These people by their action in obtaining fresh signatures may possibly have their document ratified before a Trust Commissioner, assuming it to be within the law, unless the Government gives them notice to desist.

2122. You have reason to believe that the law at present has actually been broken in respect of this Rohe Potae land?—Certainly; we are prepared to substantiate the statements contained in that printed paper.

2123. The other people you believe are breaking the law at the present time?—Yes; they never had any legal status at the Mokau, and have been defying the law since the beginning of 1884. I further beg to draw your attention to “The North Island Main Trunk Loan Application Act, 1886,” subsection 5, which includes these lands in the schedule to “The Native Lands Alienation Restriction Act, 1884;” clearly showing that these lands were reserved.

Mr. ERNEST DILLON BELL examined.

2124. *Mr. Rees.*] You are a barrister and solicitor, are you not?—Yes.

2125. You have been conversant for some time, have you not, with a portion, at any rate, of the working of the Native-land laws in New Zealand. In using the term “portion” I mean to say that your attention has been specially directed, has it not, to some portion of the working of those laws?—I was for some time connected with the West Coast Commission as secretary, and since that time as a solicitor I have had to do with getting Native titles through, and I have encountered the difficulties connected therewith.

2126. I suppose you would say their name is Legion?—Yes.

2127. Many of the questions arising under the Native Land Court Acts which come before the Courts are extremely complicated, are they not, and difficult?—Are you referring to the procedure?

2128. I mean not only in the Native Land Court, but litigation arising also in the Supreme Court and Court of Appeal?—Yes. The complication has in many cases arisen from Acts being passed by the Legislature when it had in its mind, I think, some particular case, while the provisions of the Act have been extended far beyond the limits that were contemplated at the time.

2129. Naturally, they have come to include cases that were not at all contemplated. It is an instance of particular legislation extending to general legislation?—Yes.

2130. In regard to the case of *Poaka v. Ward*, is it a fact that both Judges and the profession are somewhat divided as to the state of the law in that case?—Yes; the Judges certainly were, and the profession six on one side and half a dozen on the other.

2131. Have you had brought under your notice any instance which you can mention showing the complicated state of the Native-land law?—Well, I think a fairly good instance of it occurs in