

No action shall be brought in any Court for the purpose of questioning the validity of any alleged alienation of land which might form the subject of inquiry before the Commissioners under this Act or "The Native Land Court Acts Amendment Act, 1889," before the 1st day of January, 1891, and no action shall be brought as aforesaid in respect of any alleged alienations of land in respect of which an application for inquiry has before the said 31st day of December, 1890, been made to the Commissioners until the final determination by the Commissioners of such application for inquiry.

It is reasonable, owing to the uncertainty in which the matter has hitherto been left, that the time for receiving applications should be extended for a limited period; but it would not be expedient to extend it for an unlimited time, as in that case nearly all the applications would be postponed until the applicants were driven to make them and the labours of the Commission would never come to an end, nor would it be just to preclude the Natives from resorting to the Courts in their ordinary jurisdiction for more than a limited period.

13. So much of section 22 of "The Native Land Court Acts Amendment Act, 1889," as gives to the Commissioners power from time to time to make rules with respect to fees and other charges is hereby repealed, and in lieu thereof it is enacted that the Governor in Council may from time to time make rules with respect to the payment or securing of the payment of fees and other charges for all proceedings before the Commissioners.

The question of fees is a question of finance, with which the Ministry ought to deal, and the power to fix the fees ought to be taken away from the Commissioners and vested in the Governor in Council.

The undermentioned letters and telegrams contained in Exhibit A will be found in the preceding correspondence, as specified hereafter, viz. :—

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Letter of the 20th September, 1890, from the Hon. E. Mitchelson to Mr. Commissioner Edwards	34	10
Letter of the 20th September, 1890, from Mr. Commissioner Edwards to the Hon. the Native Minister	29	8
Letter of the 22nd September, 1890, from the Hon. E. Mitchelson to Mr. Commissioner Edwards	30	9
Letter of the 20th September, 1890, from Mr. Commissioner Edwards to the Hon. the Native Minister	31	9
Letter of the 22nd September, 1890, from the Hon. E. Mitchelson to Mr. Commissioner Edwards	33	9
Letter of the 23rd September, 1890, from Mr. Commissioner Edwards to the Hon. the Native Minister	35	10
Letter of the 23rd September, 1890, from Mr. Commissioner Edwards to the Hon. E. Mitchelson	36	10
Telegram of the 29th September, 1890, from Mr. Commissioner Edwards to the Hon. E. Mitchelson	38	12
Telegram of the 29th September, 1890, from the Hon. E. Mitchelson to Mr. Justice Edwards	39	13

This is the exhibit marked "B" referred to in the annexed affidavit of William Johnston Morpeth. Sworn before me this 14th day of May, 1891.

LEONARD G. REID,

A Solicitor of the Supreme Court of New Zealand.

B.

EXTRACTS FROM REPORT of the COMMISSIONERS appointed under the 20th section of "The Native Land Court Acts Amendment Act, 1889."

We, the said Commissioners, have, however, found that, with respect to the greater number of the said transactions, there exists other defects of title than those mentioned in the said 27th section of "The Native Land Court Acts Amendment Act, 1889," as interpreted in the Supreme Court of New Zealand, Wellington District, by his Honour the Chief Justice, in the case of *Piripi v. Smith and Arthur*.

We, the said Commissioners, have, however, found that other technical defects exist with respect to several of the shares claimed in the said applications, and we believe that in dealing with other applications which may be brought before us, the said Commissioners, other technical defects, the precise nature of which cannot at present be foreseen, are likely to be found to exist. We, the said Commissioners, believe that we have not power to remedy any defect of title other than the defects specially mentioned in section 27 of "The Native Land Court Acts Amendment Act, 1889," and that, in cases in which we find that other defects of title exist, we ought not to grant any certificate under the said section.

For the reasons before mentioned, we, the said Commissioners, believe that unless the powers created by "The Native Land Court Acts Amendment Act, 1889," are extended by the Legislature, the said Act will fail to relieve the greater number of persons who have, without any fraud or dishonesty, endeavoured to purchase Native lands; who have paid large sums to the proposed Native vendors in respect of such attempted purchases; who have been let into possession of the lands so attempted to be purchased, and who have expended large sums in permanent improvements upon such lands.

We, the said Commissioners, believe that it would be for the benefit of both Europeans and Natives if power were given to us, the said Commissioners, subject to proper conditions, by order, to render valid and binding upon all parties proposed compromises entered into between Native and European purchasers.

Lastly, we, the said Commissioners, have to report that, in consequence of proper power of adjournment not having been granted by statute to us, the said Commissioners, a very considerable