

EXHIBIT A.

In the matter of "The Native Land Court Acts Amendment Act, 1889," and "The Native Land Laws Amendment Act, 1890."

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Commissioners appointed under the 20th section of "The Native Land Court Acts Amendment Act, 1889," have the honour to report, pursuant to the powers of the said Act, as follows:—

I. We, the said Commissioners, have recently held an open Court of inquiry, pursuant to the powers of the above-mentioned Acts, at the Town of Gisborne, in the Poverty Bay district, for the purpose of inquiring into all the circumstances attending alleged alienations of land in the said district, in respect of which applications have been duly made to us, the said Commissioners, pursuant to the said Act and to the rules made by us, the said Commissioners, thereunder.

II. The said applications are fourteen in number, and a schedule thereof is hereunto annexed marked "A."

III. Upon due inquiry into the several matters the subjects of the said applications, we, the said Commissioners, found that, except with respect to the transactions in respect of the block called the Wharekaka No. 1 Block, being the block of land named in the fourth of the said applications, and except with respect to a few shares in some others of the said blocks, the transactions in respect of which the said applications have been made were entered into in good faith, and were in no respect contrary to equity and good conscience, and that the agreed purchase-money in respect of each of such transactions was (except as aforesaid) properly paid. We, the said Commissioners, also found that each of the intended alienations purporting to be evidenced by the documents in respect of which the said applications respectively were made is liable to be impeached, because such alienations, being of land held under memorial of ownership or Native Land Court certificate of title, did not include the whole of the signatures of the Natives owning under such memorial of ownership or Native Land Court certificate of title.

IV. Each of the applicants named in the said applications applied to us, the said Commissioners, for a certificate under the 27th section of "The Native Land Court Acts Amendment Act, 1889," in respect of all the said transactions as to which we, the said Commissioners, have found that such transactions were entered into in good faith, and were not in any way contrary to equity and good conscience, and that the agreed purchase-money has been properly paid, and which we, the Commissioners, have found to be liable to be impeached for the reasons mentioned in the last paragraph.

V. We, the said Commissioners, have, however, found that, with respect to the greater number of the said transactions, there exist 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 *Piripi v. Smith and Arthur*.

VI. The principal defects of title referred to in the last paragraph are,—

- (a.) Want of compliance with the provisions of "The Native Lands Act, 1873," section 85, and "The Native Land Act Amendment Act, 1878 (No. 2)," especially with respect to the clear statement in Maori thereby required to be indorsed upon instruments executed by Natives, and to be certified as therein provided.
- (b.) The fact that in the majority of cases the instruments executed by the Natives have been executed by them with certain blank spaces for the names of the vendors and the purchase-money, which blank spaces have, after the execution of the instruments, been filled in with the names of the vendors and with the purchase-money.

VII. 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.

VIII. 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.

IX. Our reasons for this construction of the said section are fully set out in the judgment in the matter of the fifth of the said applications, a printed copy whereof is hereunto annexed marked "B."

X. No objection of a technical character was made by or on behalf of any Native at the hearing of the said applications, except with respect to the 4th of the said applications; and no objection of any character whatever was made at the hearing of the 6th, 7th, 9th, 10th, 11th, 12th, 13th, and 14th of the said applications.

XI. We, the said Commissioners, find that no injury or injustice whatever has been occasioned to any of the Natives mentioned in any of the said applications by reason of the technical defects referred to in paragraphs V., VI., and VII. hereof.

XII. We, the said Commissioners, also find that, with respect to the 9th, 10th, 11th, 12th, 13th, and 14th of the said applications, the instruments of title in respect of which the said applications are made were, notwithstanding the defects aforesaid, expressly approved by the Native Land Court, and order of freehold tenure made in respect thereof by the said Court in favour of the predecessor in title of the applicants named in the said applications.

XIII. From this fact, and from other facts proved in evidence before us, we, the said Commissioners, believe that technical defects of the nature hereinbefore mentioned have not been treated by the Native Land Court as in any way affecting the powers of the said Court to approve of the