

“The Land Transfer Act, 1885,” of the interests which he claims, and so to divest them from the Natives, in whom they are at present vested, without, in my opinion, the sanction of the law.

It may be that it is desirable that the Commissioners should have power to validate such transactions as are in question in the present case, in which, from the fact that there is not a single objector, it is plain that the Natives must have fully understood the nature of their proposed dealings with their interests in the land, and that they have been in no respect injured by the non-observance of the formalities prescribed by law for the execution by Natives of valid deeds; but the duty of the Commissioners is to administer the law as they find it, and not to strain it to cover cases of real or supposed hardship.

The certificates under section 27 applied for by the applicant are therefore refused.

#### AFFIDAVIT OF DEFENDANT AND F. E. WILSON.

WE, WORLEY BASSETT EDWARDS, of the City of Wellington, in New Zealand, Esquire, the above-named Defendant, and FRANK EDWIN WILSON, of the same place, Law Clerk, make oath and say,—

1. We have read the affidavit of C. J. A. Haselden, sworn and filed herein on the 18th day of May, 1890.

2. This deponent, Frank Edwin Wilson, was, from a date towards the end of March, 1890, and for some time after, secretary to this deponent, Worley Bassett Edwards.

3. This deponent, Worley Bassett Edwards, left Wellington on the 2nd day of April, 1890, upon a visit to the South Island of New Zealand, and did not return to Wellington again until the 2nd day of May, 1890.

4. After arriving at Dunedin this deponent, Worley Bassett Edwards, wrote to this deponent, Frank Edwin Wilson, instructing him to take the necessary steps to obtain payment of the salary due to him.

5. In consequence thereof this deponent, Frank Edwin Wilson, made out an abstract of the amount which he, this deponent, Frank Edwin Wilson, considered was owing to this deponent, Worley Bassett Edwards, and in such abstract the amount appeared as £133 18s. 6d., and was calculated from the 27th day of February, 1890. The said abstract was not certified by this deponent, Worley Bassett Edwards, who was then absent from Wellington as aforesaid, or by this deponent, Frank Edwin Wilson, or by any other person.

6. The said abstract is produced to us at the time of the swearing of this affidavit, and is marked “A.”

7. And I, this deponent, Frank Edwin Wilson, for myself, say, That I sent the said abstract to the Under-Secretary for the Native Department, and I heard nothing more of it until after the return of the Defendant to Wellington in the month of May following. I then learned from the Defendant that the amount paid to the bankers of the Defendant was not that for which the said abstract had been prepared, and, in consequence thereof, I, this deponent, Frank Edwin Wilson, waited upon the Under-Secretary for the Native Department, and asked him for an explanation. The said Under-Secretary for the Native Department informed me that the said abstract should have been sent to the Justice Department, and referred me to the Under-Secretary of that department.

8. In consequence thereof, I, this deponent, Frank Edwin Wilson, waited upon the said Under-Secretary for the Justice Department, who then explained to me that, as the commission of the Defendant as a Judge of the Supreme Court of New Zealand was dated on the 2nd day of March, 1890, he could be paid only from that date.

9. I informed the Defendant of this, and he at once acquiesced therein, stating that he preferred to be paid as a Judge to being paid as Commissioner.

10. And I, this deponent, Worley Bassett Edwards, for myself, say, That I never saw the aforesaid abstract until this morning.

11. That immediately I was informed that I was to be paid as a Judge of the Supreme Court of New Zealand only I acquiesced therein, and that I have ever since been paid as such Judge, and through the Justice Department, whereas the said Commission appointed under the 20th section of “The Native Land Court Acts Amendment Act, 1889,” and the other officials connected with this said Commission, have always been paid through the Native Department.

W. B. EDWARDS.

FRANK E. WILSON.

Severally sworn by the deponents, Worley Bassett Edwards and Frank Edwin Wilson, at the City of Wellington, this 19th day of May, 1891, before me—

A. GRAY,

A Solicitor of the Supreme Court of New Zealand.