

Clause 5: Mr. Heke moved to strike out the words "Public Trustee," and insert the words "Attorney-General" in lieu thereof.

This was withdrawn on the Hon. J. Carroll promising to inquire into the advisability of making the alteration, and, if no serious objections present themselves, to have the same made in the House.

Clause 5 then passed without amendment.

Clause 6 was passed without amendment.

Clause 7: Mr. Heke moved to strike this clause out; and, on the question being put, "That clause 7, as printed, stand part of the Bill," the Committee divided, and the names were taken down as follow:—

*Ayes*, 7.—Carroll, Field, Houston, Kaihau, Parata, Pere, Stevens.

*Noes*, 3.—Heke, Hunter, Monk.

Clause 7 therefore passed without amendment.

Clauses 8, 9 and 10 passed without amendment.

Preamble was passed without amendment, after discussion.

It was resolved that the Chairman report the Bill this day without amendment.

Petition No. 331, Sir W. L. Buller, was then considered.

On the motion of Mr. Monk, it was resolved, That the Chairman consult Mr. Speaker on the question of petitioner appearing at the Bar of the House, report of the Committee to be based on Mr. Speaker's reply.

The Committee then adjourned.

#### EXHIBIT A.

SIR,—

Chomley Lodge, Davis Street, 11th February (*sic*).

I understand that your Committee will shortly have under consideration "The Horowhenua Block Act Amendment Act, 1897," section 4 of which would (unless expunged) summarily declare that my client, Major Kemp, holds Subdivision No. XIV. in trust, without allowing the Native Appellate Court to decide (as directed by Parliament) whether he does so or not. I learn also that a member of your Committee, who, at the recent argument in the Supreme Court of the case stated by the Native Appellate Court, appeared as counsel against Major Kemp, has now submitted to your Committee a memorandum in which he seeks to reopen some of the questions disposed of by the Supreme Court in Kemp's favour. I am aware, of course, that in doing so the gentleman in question was within his rights as a member of the Committee. But the effect is the same, and I would respectfully urge that I be permitted to see the memorandum and reply to it in such manner as your Committee may suggest.

I have, &c.,

F. C. BEDDARD.

The Chairman of the Native Affairs Committee, House of Representatives.

#### EXHIBIT B.

STATEMENT by Sir R. STOUT *re* HOROWHENUA BILL.

To the Native Affairs Committee.

The Horowhenua Bill has been referred to this Committee. As I have been engaged as counsel in the litigation, I think it better I should not attend on the Committee when the Bill is being considered. The Committee has to perform judicial functions, and it is not proper that one who has been counsel on one side or another should now act as a judge. This is the same position as I took up in the Public Accounts Committee when the Midland Railway matter was being considered. I had been counsel in the dispute between the Midland Railway Company and the Government, and I therefore declined to attend the Committee when the petition of the company was being considered.

I may point out for the information of the Committee that the Committee would obtain useful information from a case stated by the Native Appellate Court for the opinion of the Supreme Court. That case gives a succinct sketch of the dealings with this block. I do not desire to enter into the merits of the dispute as between Major Kemp and the tribe, or between Major Kemp and Warena Hunia, or as to the litigation which has taken place in reference to Sir Walter Buller's titles. I may, however, state that the root of the trouble seems to have originated in the decision of the Native Land Court in 1886, when the block was partitioned. The Native Appellate Court states that the Native Land Court in 1886 purported to act under a voluntary arrangement which had been come to by the registered owners assembled at Palmerston North, by virtue of section 56 of "The Native Land Court Act, 1880." The statute provides that any voluntary arrangement come to should be formally recorded by the Court. This was not done. The non-recording of the voluntary arrangement, however, would possibly not affect its validity. The Court, however, proceeded on this voluntary arrangement, and did not, so the Native Appellate Court says, exercise any judicial discretion. It simply acted as an administrator to carry out what the registered owners had agreed to. Unfortunately, many of the owners were absent, and others were dead, and no successors had been appointed to the dead owners. How, if at all, a voluntary arrangement made under such circumstances can be binding will be for the Committee to consider. It seems to me that the owners who were not present, or who did not give their assent to this voluntary arrangement, have a strong ground of complaint against the action of the Court in 1886. Whether the Committee, or Parliament, or a Court should now interfere, or what the Committee should recommend under these circumstances, or under other circumstances that may be brought before the Committee in evidence, I do not think it is proper for me to say. I have thought it wise