

MONDAY, 6TH DECEMBER, 1897.

The Committee met pursuant to notice.

Present: Hon. R. Oliver (Chairman), Hon. F. Arkwright, Mr. Carson, Hon. J. Carroll, Mr. Duncan, Mr. Graham, Hon. Major Harris, Hon. T. Kelly, Mr. Monk, Hon. J. Rigg, Hon. H. Scotland, Hon. W. Swanson, Mr. J. W. Thomson, Hon. W. C. Walker.

The minutes of the previous meeting were read and confirmed.

A reporter was in attendance, and took down the evidence in shorthand.

The Chairman read a letter from Mr. C. B. Morison in reference to the decision of the Committee not to ask him to give evidence. *Resolved*, That the Committee is still of opinion that it is not necessary to examine Mr. Morison.

The Chief Judge of the Native Land Court and Mr. P. Sheridan, of the Native Land Office, were examined.

The Committee adjourned till Thursday next, at 11 a.m.

THURSDAY, 9TH DECEMBER, 1897.

The Committee met pursuant to notice.

Present: The Hon. R. Oliver (Chairman), Hon. F. Arkwright, Hon. J. Carroll, Mr. Carson, Hon. Dr. Grace, Hon. T. Kelly, Mr. Monk, Hon. J. Rigg, Hon. W. Scotland, Mr. Sligo.

The minutes of the previous meeting were read and confirmed.

The Chairman and the Hon. T. Kelly having handed in proposed reports, the same were ordered to be printed, and the Committee adjourned till to-morrow, at 11 a.m.

TUESDAY, 14TH DECEMBER, 1897.

The Committee met pursuant to notice.

Present: Hon. R. Oliver (Chairman), Hon. F. Arkwright, Hon. J. Carroll, Mr. Carson, Mr. Duncan, Hon. Dr. Grace, Mr. Graham, Hon. Major Harris, Hon. T. Kelly, Mr. R. McKenzie, Mr. Monk, Hon. J. Rigg, Hon. H. Scotland, Hon. H. K. Taiaroa, Hon. W. C. Walker.

The minutes of the previous meeting were read and confirmed.

Hon. T. Kelly moved the adoption of the following report:—

1. Section 2 of this Bill repeals section 13 of "The Native Land Laws Amendment Act, 1895." For the purposes of the investigation, two typical cases which are affected by this section were brought before the Committee.

2. The first was that of Messrs. Guy and Rathbone, who are lessees of the Piripiri Block. These gentlemen have a valid lease of the block for twenty-one years, ending 1907, and a second lease of individual interests in the block for an extended period. This last is stated to be invalid, owing to the provisions of "The Native Lands Frauds Prevention Act, 1881," and its amendments not having been complied with. This last-mentioned lease of individual interests has been confirmed by the Native Land Court under the 13th section of the Act of 1895. But as the question of the validity of this lease is now before the Supreme Court, it is not necessary for the Committee to make any recommendation respecting it.

3. The second case is that of Mr. Tizard, who, relying apparently on the 13th section of the Act of 1895, did not apply to the Validation Court, but applied to the Native Land Court and obtained a confirmation order under the above section 13, which the Registrar of the Auckland Registration District refused to register. The time having expired within which Mr. Tizard could apply to the Validation Court, he is now left without a legal remedy. With respect to the proposal to repeal section 13, the Chief Judge of the Native Land Court states that the clause is necessary in order to enable the Court to deal finally with cases which come before it, but it is only meant to apply to cases where the law has been duly complied with, and is not intended to enable the Court to confirm transactions made before the Act of 1894, which were at that period contrary to the then existing law, or invalid by reason thereof.

4. The Committee recommends that the clause should be amended so as to affirm this reading of its scope and application.

5. Provision should be made to enable Mr. Tizard and others who have relied in error upon section 13 to transfer such application to the Validation Court, which should then have power to hear and decide such cases as if application had been made to the Validation Court.

6. Provision should also be made to protect Native interests which may be injuriously affected and for which there is no present safeguard or remedy.

7. Section 3 proposes to repeal section 23 of "The Native Land Laws Amendment Act, 1896," with the object of protecting certain Natives who are said to be injuriously affected by the passing of that section in the Act of 1896.

8. The typical case brought before the Committee on this point was one in which the Natives are owners of interests in the Kawakawa, Matakaitaki, and Te Kopi Blocks, in the Wairarapa District, the titles to which were determined by the Native Land Court in 1870. Ten names only were placed in two of the titles, and less in the third, and the grants were issued to the grantees without restrictions. These blocks were leased in 1870 in Mr. Charles Pharazyn for twenty-one years, at a rental of £36 per annum. In 1889 he negotiated for leases to be granted to him over the whole estate, but they were only obtained for about 11,000 acres, the remainder of the blocks being leased to Messrs. Te Ama and Sinclair. During 1889, 1890 to 1893, Mr. Pharazyn advanced money to the Native owners of the land leased to him, and obtained from them agreements to mortgage these lands, the total amount of advances being about £5,000. The agreements provided that twelve months' notice was to be given before the Natives were to be called upon to execute a mortgage.